

ParaReg Headnotes

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001-1 All the regulations cited refer to the Manual of Policies and Procedures (MPP), unless otherwise noted

001-1A W&IC is the abbreviation for the Welfare & Institutions Code

001-1B Reference to AFDC is reference to CalWORKs program (W&IC 10063(b))

001-1C Authority to issue ACLs and other directives to implement AB No. 1542 (AB 1542 §185)

001-1D Chapter 2 (11 200-11526) of W&IC contains CalWORKs Program, which is acceptable cite for formal name of program (W&IC 11200)

001-2 Aid pending to be paid if hearing is requested prior to effective date of action (22-072.5)

001-3 Issues at hearing limited to those reasonably related to request, or those which county and claimant agree to discuss (22-049.5)

001-5 Hearing decisions must be issued in 90 days unless claimant executes waiver (22-060.1)

001-6 Official Notice (22-050.41-.44)

001-7 State hearing decision only applicable to circumstances and issues existing at the time of the county action in dispute or otherwise agreed to by the parties (22-062.4)

001-8 Department receives proposed decision when certified for review (22-061)

001-9 Authority of Director on receipt of proposed decision (22-062.1)

001-10 Decision deemed adopted if Director does not act in 30 days (22-062.2)

001-11 State hearing decision can only be appealed through rehearing or judicial review (W&IC 10960 and 10962)

001-12 No further administrative appeal after rehearing (22-065.6)

001-13 Before rehearing is granted, it may be withdrawn; but once granted, requesting party can only withdraw with permission of the Chief Judge, or a judge at hearing (22-065.8, .9)

001-14 Parties must be prepared on substantive issues unless hearing is limited to jurisdictional issue (22-049.53)

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- 002-1 Statutory authority for postponements due to inadequate notice (W&IC 10967)
- 002-2 Regulatory provisions when adequate notice raised at hearing (22-049.52, 22-072.1)
- 003-1 Definition of "public social services" (W&IC 10051)
- 003-5 Hearing request shall be dismissed if sole issue is not within jurisdiction of state hearing (22-054.31)
- 003-7 "Aid" includes all PA programs subject to a state hearing (22-001a.(3)(A))
- 003-7A Aid is cash benefits and Medi-Cal (40-103.3)
- 003-8 PA does not include FS, Child Welfare Services, or AAC (W&IC 10061)
- 003-9 "County action" requires adequate notice, and includes any action or inaction relating to application or receipt of aid (22-001c.(5))
- 003-10 Jurisdiction of state hearings (22-003.1)
- 003-11 Definition of "claimant"; TCC program repealed 1/1/98 (22-001c.(2); AB 1542; ACL 97-73)
- 003-11A Old rule: TCC provider is a claimant only when overpayment assessed against provider (22-003.14; AB 1542; ACL 97-73)
- 003-12 Dismissal when "claimant" lacks standing (22-054.35)
- 003-13 Dismissal when no valid AR (22-054.36)
- 003-13A Requirements for establishing valid AR (22-085.1, .11, .12, .22, .221)
- 003-14 Representative of estate or heir may file hearing request on behalf of deceased applicant (W&IC 10965)
- 003-15 Representative of estate or heir may represent claimant who filed request and then died (22-004.4 and .5)
- 003-16 Discourteous treatment by county employees is not a state hearing issue (22-003.15)
- 004-1 Statute of limitations, general (22-009.1)
- 004-1A Period of review extends back to first day of month of 90-day review period (22-009.12)

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- 004-1B Knew or should have known test does not start running of the statute of limitations (*Morales v. McMahon*)
- 004-2 General definition of "adequate notice"; when required (22-071.1, 22-001a.)
- 004-3 Adequate notice must be furnished when the county takes action pursuant to a conditional withdrawal (22-071.14)
- 004-4 Actions on which timely and adequate notice required. Notice must be issued 10 days in advance of proposed action (22-072.1)
- 004-4A Two NOAs required if applicant fails to cooperate in providing information, complying with SFIS (ACL 00-32)
- 004-5 Method for determining filing date (22-001f.(1))
- 004-6 Extension of filing period when last day falls on Sunday or holiday (22-002.1, 22-001h.(1); Gov. Code 6700-6716)
- 004-7 Holidays include days which government offices are closed (CCP 12b)
- 004-8 Form of hearing request (22-004.2)
- 004-9 Conditional withdrawal procedure (22-054.211(b)(3))
- 004-10 Request for hearing is dismissed if beyond time limit (22-054.32)
- 004-11 Time limits for Director's action on rehearing request (22-065.3)
- 004-12 "Timely notice" is written notice mailed ten days prior to effective date of action (22-001t.(1), 22-072.4)
- 004-13 Required language for overpayment and overissuance notices (*Anderson v. McMahon*; ACL 90-14)
- 005-2 Dismissal when issue has been subject of previous hearing (22-054.34)
- 006-1 "Compliance related issue" is one resolved in favor of claimant but county must make further determination (22-001c.(3))
- 006-2 Compliance issue timeliness (22-078.5, 22-078.31)
- 006-3 County has duty to comply with state hearing decision immediately upon receipt of such decision even if rehearing is requested (22-078.1)

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- 006-4 Dismissal, "compliance" issue (22-054.37, 22-001c.(3))
- 007-1 Hearing is to be dismissed if it is abandoned (22-054.22)
- 007-2 Good cause for postponements (22-053.16)
- 008-1 Hearing is to be dismissed if withdrawn; withdrawal must be in writing (22-054.21)
- 008-2 Hearing request shall be dismissed if the claimant or AR is unwilling to present case (22-054.33)
- 008-3 County's authority to modify grant while claimant receiving aid pending (22-072.9)
- 009-1 Equitable estoppel (*Canfield v. Prod, City of Long Beach v. Mansell*)
- 009-1A Analysis of equitable estoppel as to each of five sequential requirements; explanation of county's "knew or should have known" test as to element one; example of balancing individual and governmental interests (*Canfield v. Prod*)
- 009-2 Equitable estoppel can be applied in state hearings (*Lentz v. McMahon*)
- 009-3 Court says in dicta that equitable estoppel cannot contravene statutory or constitutional limitations (*Longshore v. County of Ventura*)
- 009-4 That which ought to have been done is to be regarded as done, in favor of him to whom, and against him from whom performance is due (Civil Code 3529)
- 009-5 Lost FS benefits a measure of injury for equitable purposes which may reduce the CalWORKs overpayment (ACIN I-60-96)
- 009-6 CDSS agrees to rescind parts of Notes from the Training Bureau dealing with authority of ALJs to write final decisions when they adhere to policy regarding hardship set forth in Notes (*Rush v. Saenz*)
- 009-7 Factors to consider in equitable estoppel balancing (*City of Imperial Beach v. Algert; Lee v. Bd. of Administration*)
- 009-8 Analysis by courts of application of equitable estoppel against public agencies (*Crumpler v. Bd. of Administration Emp. Retire. Sys.; City of Long Beach v. Mansell*)
- 009-9 Discussion of doctrine of laches (*Lam v. Bureau of Security and Investigation Services*)

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- 010-1 Joint responsibility for gathering evidence; county duty to help (40-157.21)
- 010-2 Duty to complete investigation when evidence is conflicting (40-157.14)
- 010-3 Recipient's sworn statement sufficient (40-115.22)
- 010-4 County is to refer applicants and recipients for UIB; county to deny or discontinue if there is failure to apply for or accept UIB or if there is failure to meet eligibility conditions without good cause (82-610.1 and 82-612)
- 010-4A Aid discontinued when AU member fails to apply for or accept available UIB (82-612.1, .6)
- 010-4B Aid discontinued last day of month for failure to apply for or accept UIB (82-612.3)
- 010-4C Situations when a person is not "apparently eligible" for UIB (82-612.6)
- 010-5 County representative's duty to determine the issues prior to the hearing (22-073.2)
- 010-6 General duty of county representative (22-073.13)
- 010-7 Duty of county to prepare position statement (22-073.25)
- 010-7A Parties must be prepared on substantive issues unless hearing is limited to jurisdictional issue (22-049.53)
- 010-8A Authorizing a representative; communications with the AR (22-085)
- 010-9 County representative has authority to make binding stipulations at the hearing (22-073.35)
- 010-10 County has burden of going forward (22-073.36)
- 010-11 Applicants must be informed of lump sum diversion (40-115.213)
- 010-12 County duty to have regulations, ACLs, W&IC, other public social service laws, in waiting or reception room in each central or district county office (Handbook 17-017)

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- 010-13 Record retention requirements in PA cases (ACL 02-12; 23-353)
- 011-1 County responsibility to be courteous and respectful (40-101.12)
- 012-1 Information relating to eligibility provided solely by applicant/recipient is open to that individual's inspection (19-005.1)
- 012-2 Case files, except for privileged communications, are open to inspection by claimant or AR (19-005.4 and 19-006)
- 012-3 Case record open to inspection by claimant or AR in conjunction with state hearing (W&IC 10850.2)
- 013-1 Counties are not to discriminate in administering aid programs; complaints of discrimination are to be referred to Civil Rights Bureau (21-109.1 and 21-203.11)
- 013-2 Duty of county to provide notices in language other than English (21-115.2; ACL 92-90, 00-03)
- 013-2A Duty to provide notice in primary language when five percent of welfare population live in the particular county (*Asociacion Mixta Progresista*)
- 013-3 Cases involving discrimination issues are to be remanded to the county for preparation of a report (22-062.5)
- 013-4 Authority of SIU; rules pertaining to conduct of SIU investigations (20-007.3)
- 013-5 Requirement under Civil Rights laws to be nondiscriminating and provide equal access to people with disabilities, under Title II of ADA and California FEHA (ACL 01-42)
- 014-1 General duty to assist in application process (40-107.1)
- 014-2 General complaint procedure (22-109.1)
- 014-3 Alien applicants must have documentation requirements explained in language in which they are fluent (42-435)
- 014-4 Applicants must be informed of diversion before aid is approved (W&IC 11265(a); 82-215.2)
- 014-5 Program duty: to inform applicants and recipients of duty to report accurately and promptly, to take prompt action on information, and to provide follow-up help through more contact when recipient has difficulty reporting (20-005.311-.313)

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014-6 Duty of county to inform persons fingerprinted or photographed that image will be used solely to prevent or prosecute welfare fraud (40-105.3)

014-7 County duty to put its discretionary standards in writing (21-115; Handbook 11-501.3; ACL 00-08, 02-03)

014-7A Legally required written county policies and procedures makes interested parties aware of program rules, promote uniform and equitable treatment, assist in demonstrating county actions are not arbitrary and capricious, and can support county actions in State hearings (ACL 00-08)

014-8 Income maintenance responsibility to make and record eligibility and grant determinations for PA cases, and for MN SOC cases (MPP 11-501.1, .2)

014-9 Counties must ensure that CalWORKs applicants who are denied work benefits and CalWORKs recipients who are discontinued from that aid program receive the Medi-Cal and FS benefits to which they are eligible (ACIN I-32-01)

015-1 General responsibility of recipient to cooperate (40-105.1)

015-2 County may deny if refusal to cooperate (40-157.3)

015-2A During application process, county can require evidence only if necessary to determine past or present eligibility (40-126.31)

015-2B During application process, county must provide written notice to applicant of necessary evidence, and pay to obtain evidence if necessary (40-126.32, .332)

015-2C County must document failure of applicant to make good faith effort to obtain evidence, and cannot deny if claimant is cooperating (40-126.334, .34)

015-2D Applicant who fails to cooperate may be eligible if necessary evidence received within 30 days of denial NOA (40-126.342, .343)

015-2E Denial for refusal to cooperate must be based on oral or written active refusal (40-126.344)

015-3 Documents or evidence must be received on or before appropriate deadline set by county; extension of deadline if it falls on nonbusiness day (40-181.1(k))

015-4 Duty to accept unconditionally available income; penalty for failure to accept such income (44-103.2, repealed 7/1/93, replaced by 82-610)

015-4A Duty to seek or accept available income; penalties for failure to do so (82-610.1)

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015-4B Definition and examples of potentially available income (82-610.3, .4)

015-4C PE who does not apply for UIB when apparently eligible disqualifies family from establishing U-deprivation; PE who cooperates before authorization of aid meets requirements as of application date (41-440.23, as revised 7/1/98)

015-5 County is responsible for determining good cause for failing to meet UIB eligibility conditions; good cause criteria (82-614.2)

015-7 Failure to cooperate with QC results in ineligibility for the AU (40-203.1, 40-209.2)

015-8 Minor parent's failure or refusal to obtain verification of whether or not adult will act as payee renders AU ineligible (89-201.42)

015-9 Requirement for adult parents and caretaker relatives and pregnant women to supply two fingerprint images and one photo image at application; failure to provide makes AU ineligible (40-105.3; ACL 00-32)

015-9A Duty of county to inform persons fingerprinted or photographed that image will be used solely to prevent or prosecute welfare fraud (40-105.3)

015-9B Persons temporarily and permanently exempt from SFIS requirements; only specified reasons establish good cause (40-105.33, .35; ACL 00-32)

015-9C Counties must inform applicants/recipients of SFIS requirements (ACL 00-32)

015-9D Two NOAs required if applicant fails to cooperate in providing information, complying with SFIS (ACL 00-32)

015-10 All applicants and recipients of CalWORKs and FC must assign child and spousal support for themselves and for required AU members as a condition of eligibility (82-506.1, 82-820.3)

015-10A Applicants and recipients of CalWORKs and FC must assign child and spousal support for themselves and (unlike 82-506.1) for family members for whom aid is requested or received, and receipt of aid assigns support by operation of law (Handbook 12-410)

015-11 "Applicant" is a person who requests aid or a person on whose behalf a request for aid is made (80-301a.(7))

016-1 Application in writing (40-103.4)

016-1A Date of application defined (80-301d.(1))

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016-2 Restorations (40-103.42)

016-2A Application requirements in restorations (40-125.9)

016-3 Formal application is not necessary to include additional person in AU (40-121.3, 40-121.34)

016-3A CA 7 can serve as application for optional person or for conversion from state to federal CalWORKs (80-310c.(1))

016-4 CalWORKs annual redetermination of eligibility (40-181.21)

016-5 Duty to act promptly on applications, 45-day rule (40-126.1)

016-6 Any person, even if apparently ineligible, has the right to apply for aid (40-109.1)

016-7 Applicant/recipient self-determination (40-109.4)

016-8 Withdrawal of CalWORKs application (40-171.231)

016-9 Regulations governing the method of initial determination also applicable to continuing and periodic determinations (40-181.31)

016-10 Requirements to protect applicants' right to apply when welfare offices closed on normal working days (*Blanco v. Anderson and Belshé*)

016-10A Requirement to provide for filing applications on normal working days implemented (*Blanco v. Anderson*; ACL 94-108, 95-08)

016-11 Kin-GAP child is treated as recipient, not applicant (ACL 99-97)

016-12 CalWORKs eligible persons eligible for Medi-Cal (40-171.212)

017-1 Face-to-face interview required (40-131.1)

017-2 Situations in which a home visit is necessary (40-161)

018-1A DA cooperation requirements (82-512.2)

018-1B DA determines cooperation, and county determines good cause (W&IC 11477(b)(1), 11477.04; ACL 97-65; 82-510.1 revised 7/1/98)

018-2A Prospective application of the child/spousal noncooperation sanction for AFDC recipients who retain direct support (ACL 91-34)

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018-3A Cooperation requirements for child/spousal support (82-510.1, partially revised 7/1/98, and re-revised 6/21/99)

018-3B Cooperation requirements for medical coverage (82-510.2)

018-3C Applicant/recipient must cooperate in obtaining payments or property due an AU member (82-510.3)

018-3E Penalty for failure to assign child support is exclusion from AU; for failure to cooperate in paternity establishment or child support enforcement is 25% reduction in grant (W&IC 11477(a)(1), 11477.02; ACL 97-65; 82-506.1, revised 10/1/98, 82-510.4, revised 7/1/98)

018-3F Statutory and regulatory good cause criteria for failure to cooperate with DA or county (W&IC 11477.04(b); ACL 97-65; 82-506.1, revised 10/1/98; 82-512.1, revised 7/1/98, and re-revised 6/21/99)

018-5A Burden on claimant to justify claim for exemption from paternity, securing support and medical coverage cooperation requirements (82-512.51, pre-7/1/98, 82-512.41)

018-5B Evidence to support rape/incest exemption claim (82-512.521, .525, revised and renumbered 7/1/98)

018-5C Evidence to support pending adoption exemption claim (82-512.522, .525, revised and renumbered 7/1/98)

018-5D Counseling days regarding adoption or relinquishment of child were limited to 90 for purposes of exemption prior to 7/1/98, evidence to establish this exemption (82-512.523, .525, renumbered, revised 7/1/98)

018-5E Special considerations re: claim of emotional harm exemption, and evidence to support claim of physical or emotional harm (82-512.4, .525, renumbered, revised and repealed 82-512.424-.426, 7/1/98)

018-6B All applicants and recipients of CalWORKs and FC must assign child and spousal support for themselves and for required AU members as a condition of eligibility (82-506.1, 82-820.3)

018-7 CalWORKs (formerly AFDC) parents required to submit support payments received to District Attorney (43-107.26 renumbered to 82-510.16)

018-8 AFDC recipient must be allowed to attest as to lack of information regarding absent parent before sanctions can be imposed (ACL 90-12, *Sahi v. McMahon*)

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018-10 Child support activities shall be started or resumed for recipient, exempt from cooperation, at recipient's request (82-508.352, eff. 6/21/99)

019-1A Applicant/recipient must cooperate in obtaining and furnishing SSN (40-105.2)

019-2A Requirement to verify that an application for an SSN has been filed on behalf of a newborn (40-105.22)

019-3 Failure or refusal to provide SSN results in ineligibility for individual, or if individual is only eligible child, for entire AU (40-107.71)

019-4 Furnishing and using SSNs does not violate First Amendment of Constitution (*Bowen v. Roy*)

019-5 Required documentation of preschool children's immunization except if medically contraindicated or contrary to applicant's or recipient's belief (W&IC 11265.8)

019-5A Children under age 6, unless in school, subject to immunizations requirements (ACL 97-70)

019-6 Parents/caretaker relatives are excluded from AU for eligibility and grant purposes after failure to provide immunization documentation the first of the month following timely notice, and restored when documentation is provided the first of that month (ACL 97-70; 40-105.4(a), (h); 40-105.5(e), (g); 40-105.7(g))

019-7 Failure to have school age children attend school leads to exclusion of adults from AU (W&IC 11253; ACL 97-70; 40-105.5(a)-(d))

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020-1 First county is to complete application process if recipient moves to another county after the time of application (40-125.5)

020-2 Intercounty transfer to be initiated when the first county is notified that the recipient has moved to another county (40-190.1, formerly 40-189.21)

020-3 Responsibility of first county to notify second county of recipient's move to second county (40-195.211, renumbered to 40-195.11)

020-4A Expiration of transfer period (40-187.12)

020-5 No application necessary on a transfer between FG and FC (40-121.32)

020-6 Intraprogram status change (FG to FC); no new application needed (40-183.1; 40-121.32)

020-7 County duty to advise of potential CalWORKs (formerly AFDC) eligibility when processing Medi-Cal cases (Title 22, CCR, 50153)

020-8 First county is responsible for eligibility and payment until end of transfer period (40-190.21, formerly 40-187.21)

020-9 In FC intercounty transfer, first county remains responsible for payment of aid (40-190.32, formerly 40-187.221)

020-10 Special rules regarding responsible county when a child moves from one county to another (40-190.222, formerly 40-187.222)

020-11 County of responsibility in HA cases (44-211.515)

020-12 In HA, use MAP in county where applicant resides (44-211.515(a))

021-1 Duty to complete CA 7 (40-181.22)

021-2 Discontinuance for failure to submit CA 7; personal contact; rescission of discontinuance (40-181.22)

021-3 Old rule: Penalty for failure to submit CA 7 timely (44-113.218, 40-181.223, repealed 7/1/98, effective 1/1/98; AB 1542)

021-4 Sponsored alien's duty to report income and resources of sponsor (40-181.25)

021-5 Good cause for failure to submit a CA 7 timely (40-181.23)

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021-6 County to rescind discontinuance or allow earned income disregards when recipient has good cause for not reporting timely on CA 7; earned income disregard penalties are no longer relevant after 7/1/98 (40-181.234, 44-113.218; ACL 97-67)

021-7 Old rule: Verification of dependent care expenditures reported on CA 7 (44-113.217(b))

021-8 Requirements for a complete CA 7 (40-181.241, eff. 2/3/99)

022-1 IPV defined (20-351.1i(1), revised 7/1/98; Handbook 80-301i.(2))

022-2 IPV penalties; only court may reverse (82-620.1-.5)

022-2A Old rule: Sanction of two years, four years, and permanently for multiple applications or falsifying information about children (20-353.2; repealed 7/1/98, and replaced by Handbook 20-353.12)

022-3 Welfare fraud requires nonentitlement to aid (People v. Ochoa)

022-4 Responsibility of county EWs and supervisors to ensure that applicants understand penalties for not reporting or misstating relevant facts (20-005.311)

022-5 Program duty: to inform applicants and recipients of duty to report accurately and promptly, to take prompt action on information, and to provide follow-up help through more contact when recipient has difficulty reporting (20-005.311-.313)

022-6 Fraud penalties in 20-353.2-.261 apply only to acts committed after January 1, 1998 (20-351.3)

022-7 Same IPV act, repeated over time, gives rise to only one penalty (20-353.7)

022-8 Applicants are to be provided written notice of IPV disqualification penalties (22-310, effective 1/5/95)

024-1 Fleeing felons defined, and excluded from the AU (W&IC 11486.5(a); ACL 97-65; 82-832.1(h), (i))

024-4 Drug felons defined, and excluded from the AU (W&IC 11251.3; ACL 97-65; 82-832.1(j), 832.20)

024-5 Person who pleads guilty, but there is no entry of judgment, is not considered a drug felon until judgment is entered (ACIN I-71-99)

024-6 Person who has had drug felony conviction entered does not receive retroactive benefits if conviction is reduced or record expunged (ACIN I-71-99)

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024-7 Minor must be convicted as an adult or minor is not a drug felon (ACIN I-71-99)

025-1 Requirement for adult parents and caretaker relatives and pregnant women to supply two fingerprint images and one photo image at application; failure to provide makes AU ineligible (40-105.3; ACL 00-32)

025-2 Duty of county to inform persons fingerprinted or photographed that image will be used solely to prevent or prosecute welfare fraud (40-105.3)

025-3 Persons temporarily and permanently exempt from SFIS requirements; only specified reasons establish good cause (40-105.33, .35; ACL 00-32)

025-4 Counties must inform applicants/recipients of SFIS requirements (ACL 00-32)

025-5 Two NOAs required if applicant fails to cooperate in providing information, complying with SFIS (ACL 00-32)

025-6 Court order re SFIS policies of failure v. refusal to comply, how SFIS caretaker relatives pre 7/21/96 are affected, or how those individuals are treated when another family member is applying, stayed on appeal (*Sheyko v. Saenz*; ACIN I-69-01)

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031-1 Old rule: TCC requirements, receipt of AFDC in three of last six months (47-120.13; AB 1542; ACL 97-73)

031-7 Old rule: TCC provider is a claimant only when overpayment assessed against provider (22-003.14; AB 1542; ACL 97-73)

031-8 TCC families are transferred to Stage Three child care, or to Stages Two or One if funding is unavailable (ACL 97-73; AB 1542; Educ. Code 8350-8359.1)

032-1 Control group exempted from APDP and CWPDP through federal waiver; no more control groups after CalWORKs replaced AFDC (89-102, renumbered to 89-101 effective 7/9/95; AB 1542)

032-2 185% MBSAC, MBSAC, MAP, 80% MAP amounts for APDP/CWPDP control group members, no more control groups after CalWORKs replaced AFDC (40-015, 89-101.2, Handbook 44-315.311(b); ACL 96-60; AB 1542)

033-1 Old rule: Eligibility requirements for receipt of SCC (44-503.1; AB 1542; ACL 97-73)

034-1 Old rule: CAAP provides child care funding for earners who voluntarily decline an AFDC grant (89-701.1; AB 67; ACL 97-73)

035-1 Counties must inform families discontinued from AFDC for employment-related reasons, or from TCC, of availability of ARCCP (ACL 94-45, 92-67; W&IC 11057.5)

035-2 ARCCP Group One criteria (ACL 96-53)

036-1 Eligible Stage One Child Care recipients (47-220.1, .2, .3)

036-2 Definition of client for child care purposes (47-110(c)(4))

036-3 Eligible children for Stage One child care (47-201)

036-4 Overpayment for child care program defined (47-110(o)(1))

036-4A Collection of child care overpayments (47-440)

036-4B Generally, child care payments are made directly to provider, except they may be made directly to client if care is provided in client's home (47-420.1, .2)

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036-5 Definition of underpayment and requirement to correct underpayment (47-110(u)(1), 47-440.1)

036-6 When the county must, when the county may, and when it shall not pay for child care (47-401.4, .5)

036-7 Definition of family fee and calculation for Stage One clients (47-110(f)(1), 47-240.1)

037-1 Establishment of separate State CalWORKs program for certain two-parent families (ACL 99-54)

037-2 Eligibility criteria for State CalWORKs program for two-parent families (ACL 99-54)

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- 040-1 Aliens eligible for aid as provided under federal law, if lawfully admitted for permanent residence, or if PRUCOL (W&IC 11104)
- 041-1 Only citizens and eligible aliens eligible for AFDC (42-430)
- 041-2 Acceptable verification of citizenship (42-433.2)
- 042-1 Categories of eligible aliens (42-431.2)
- 042-2 Aliens eligible for aid as provided under federal law, if lawfully admitted for permanent residence, or if PRUCOL (W&IC 11104)
- 042-3 Potential eligibility of IRCA aliens and their spouses/children effective 5/5/92 (82-820.3; ACIN I-32-92; 42-431.22)
- 042-4 "Qualified aliens" for CalWORKs purposes (ACL 98-65)
- 042-5 Applicants for asylum not eligible for AFDC (*Sudomir v. McMahon*)
- 043-1 State residence, not county residence, is a requirement for aid (42-400)
- 043-2 Durational residence not required (42-401)
- 043-3 Prompt treatment of recipients who have moved from other states (42-421)
- 044-1 County of responsibility; county of residence (40-125.1, .3)
- 046-1 Sponsor's income and resources deemed to sponsored alien (43-119.22)
- 046-1A State law requirements for attribution of sponsor's income and resources to the sponsored alien (W&IC 11008.135(a))
- 046-2A Definition of sponsored alien (80-301s.(5))
- 046-3 Sponsored alien regulations do not apply to certain specified admittees (43-119.1)
- 046-4 Parolees exempt from sponsored alien provisions if affidavit of support was not required (ACIN I-02-94)
- 046-5 Sponsored alien must provide information and documentation about sponsor as condition of eligibility (43-119.231, .214, .24)

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046-5A Sponsored alien's responsibility, under state law, to provide information about the sponsor and the sponsor's spouse's income and resources (W&IC 11008.135)

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- 050-1 Deprivation necessary for CalWORKs (formerly AFDC) eligibility (41-400)
- 050-2 Readjustment period after deprivation ceases (41-405.2)
- 050-3 Types of deprivation (41-401) [NOTE: Please specify appropriate number(s)]
- 050-4 County responsibility to investigate whether other basis of deprivation exists when one ceases, and family still in need (41-405.1)
- 050-5 Federal AFDC-U shall not be the basis for deprivation if other eligibility exists changed to allow eligibility to be established based on any deprivation factor (41-401.3, formerly 41.401.4, revised 6/14/99)
- 050-5A Old rule: U-deprivation is not chosen if there is another deprivation basis (41-440.4, repealed 7/1/98)
- 052-1 Incapacity deprivation, general (41-430)
- 052-2 Incapacity deprivation, specific (41-430.1)
- 052-3 Proof of incapacity (41-430.2)
- 053-1 New rules for unemployed parents effective 1/1/98, linked to W&IC and 8/21/96 CFR (W&IC 11201(b); 45 CFR 233.100; ACL 97-65)
- 053-1A Increased hours of employment for recipient parent of CalWORKs-U child does not result in ineligibility (W&IC 11201(c), effective 1/1/98, modified 1/1/99)
- 053-1B AU continues eligible, if other factors met, when U-parent begins working greater number of hours (41-401.2)
- 053-1C Federal requirements as of 8/21/96 which apply to the CalWORKs-U Program (45 CFR 233.100)
- 053-2 Temporary employment over 100 hours not disqualifying (41-440.11)
- 053-3 Old rule: Requirement of registration with WIN (federal) or EDD-JS (State-Only) (41-440.23; AB1542)
- 053-4 Determination of "principal earner" for CalWORKs (formerly federal AFDC-U) purposes (41-440.1(c), revised 7/1/98)

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053-5 Old rule: Principal earner for federal AFDC-U must have established connection to labor force (41-440.41; W&IC 11201)

053-6 Old rule: APDP recipients are not subject to 100-hour limitation after they become recipients (41-440.7, 89-102.2, 89-301.2, renumbered to 89-105.2; W&IC 11201)

053-6A Old rule: 100 hours monthly work rule not applied to AFDC recipients effective 12/1/92; and linkage to AFDC-U continues regardless of hours PE works, or until deprivation changes (ACL 92-98; 89-301.2 renumbered to 89-105.2; AB 1542)

053-7 Old rule: Principal earner for federal AFDC-U must have been unemployed for 30 days prior to receipt of cash assistance (41-440.22; AB 1542)

053-7A PE must have worked fewer than 100 hours, adjusted daily, in 4 week period preceding eligibility for U-benefits (W&IC 11201(b); 41-440.22)

053-8 Old rule: Unemployment deprivation, general (41-440.1; W&IC 11201)

053-8A 100 hours monthly work rule not applied to AFDC recipients, effective 12/1/92 (89-301.2)

053-8B Linkage to AFDC-U (now CalWORKs) continues regardless of hours PE works, or until deprivation changes (ACL 92-98; 41-401.2)

053-9A Determination of date of transfer to U-deprivation (41-440.1(d))

053-12 PE who does not apply for UIB when apparently eligible disqualifies family from establishing U-deprivation; PE who cooperates before authorization of aid meets requirements as of application date (41-440.23, as revised 7/1/98)

054-5 State-only AFDC-U program repealed 7/31/91 (SB 724, Chap. 97, Stats. 1991)

055-1 Absent parent deprivation, general (41-401.14)

055-2 Definition of "continued absence" (41-450.11)

055-3 Federal and state definition of "continued absence" (45 CFR 233.90(c)(iii); W&IC 11250(c))

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060-1 Evidence of child's age (42-111.1)

062-1 Status of 18-year-old (42-101.2)

062-2 Disabled children who can't complete high school by age 19 may receive CalWorks unless CDSS can show issuance of benefits would cause a substantial financial hardship to the State (*Fry v. Saenz*)

Kin-GAP

[065 Kin-GAP](#)

[067 Cooperation / Participation](#)

[068 Income / Property / Aid Payments](#)

065-1 Kin-GAP is for children with court dependencies living with relatives who are the child's guardian; ACLs serve as temporary regulations (SB 1901; AB 1111; ACL 99-92, 99-97)

065-2 Kin-GAP recipient is in own AU, and income and aid payment is not available to others; caretaker relative may be in separate AU (W&IC 11450(j), 11371, 11450.16(B); ACL 99-92, 99-97; 90-105.31, 82-820.22)

065-3 Kin-GAP child must have lived with relative for 12 consecutive months, guardianship must be established, and juvenile court dependency dismissed after 1/1/2000 (W&IC 366.26, 366.3; ACL 99-97, 00-09; 90-015.121, .131, .132)

067-1 Kin-GAP children must be current on immunizations, and meet school attendance requirements if at least 16 years old; prior to 7/10/01, they were also required to have a monthly reporting form filled out, and participate in the Cal-Learn program if pregnant or if they have their own child(ren) (ACL 00-09, 00-70; 90-110.31, 90-110.1(i))

068-1 Kin-GAP recipient is in own AU, and income and aid payment is not available to others; caretaker relative may be in separate AU (W&IC 11450(j), 11371, 11450.16(B); ACL 99-92, 99-97; 90-105.31, 82-820.22)

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070-2 Eligibility for pregnant women in last three months of pregnancy, or under 19 without high school diploma (44-209.23)

070-2A Pregnant teen loses AFDC and pregnancy special need payment if she turns 19, receives high school diploma, and is not in third trimester of pregnancy but becomes eligible again in third trimester (ACL 96-45; 44-209.23, 44-211.632; ACIN I-09-97)

070-3 Retroactive eligibility for mothers who deliver children prior to anticipated month of birth (44-209.234)

070-4 Families are grouped into AUs for purposes of eligibility and grant computation (W&IC 11450.16(a), 1/1/99)

070-5 Kin-GAP is for children with court dependencies living with relatives who are the child's guardian; ACLs serve as temporary regulations (SB 1901; AB 1111; ACL 99-92, 99-97)

070-6 Kin-GAP child must have lived with relative for 12 consecutive months, guardianship must be established, and juvenile court dependency dismissed after 1/1/2000 (W&IC 366.26, 366.3; ACL 99-97, 00-09; 90-015.121, .131, .132)

070-7 Kin-GAP recipient is in own AU, and income and aid payment is not available to others; caretaker relative may be in separate AU (W&IC 11450(j), 11371, 11450.16(B); ACL 99-92, 99-97; 90-105.31, 82-820.22)

070-8 Kin-GAP children must be current on immunizations, and meet school attendance requirements if at least 16 years old; prior to 7/10/01, they were also required to have a monthly reporting form filled out, and participate in the Cal-Learn program if pregnant or if they have their own child(ren) (ACL 00-09, 00-70; 90-110.31, 90-110.1(i))

071-1A Individuals who must be listed on the Statement of Facts; optional persons; denial appropriate when applicant won't list individual on Statement of Facts (40-118.1, .2, .4)

071-2A Persons who are necessary to establish an AU (82-820)

071-2B Old rule: Eligibility for caretaker relative (not necessarily parent) to be in AU of one when child is GAIN sanctioned (42-786.313, repealed 7/1/98)

071-3 Exceptions to mandatory AU inclusion rules for pregnant or parenting minors (Handbook 82-820.333)

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071-4A AU must include a child unless there is a pregnant woman, or only child is GAIN sanctioned or receives SSI (82-820.2)

071-5 MFG child excluded from AU for MAP purposes, but not for MBSAC, special needs (44-314.2, .6)

071-7 Persons who are sanctioned (and not in AU) v. persons who are penalized (and are in AU) (ACIN I-09-98)

071-8 Required members of AU include eligible child and caretaker relative, or pregnant woman, and eligible parents and eligible siblings, living in the home with the eligible child (W&IC 11450.16(b), (c), effective 1/1/99)

072-1A County must advise applicant/recipient of AU most advantageous to family (82-820.3, 82-828.1)

072-2 Persons who, at option of required AU members, may be included in AU (W&IC 11450.16(d))

073-2A Father of unborn excluded from AU (82-832.13)

073-3 SSI/SSP, RRP, or FC recipient excluded from AU (82-832.1(e))

073-3A 1619(b) recipients are SSI recipients for CalWORKs purposes (ACL 01-35; 82-832.1(e), 44-133.21)

073-4 Needs of parents and caretaker relatives not considered if preschool children have not received immunization (W&IC 11265.8(a); ACL 97-70; 40-105.4(c), (g))

073-5 Parents/caretaker relatives are excluded from AU for eligibility and grant purposes after failure to provide immunization documentation the first of the month following timely notice, and restored when documentation is provided the first of that month (ACL 97-70; 40-105.4(a), (h); 40-105.5(e), (g); 40-105.7(g))

073-6 Failure to have school age children attend school leads to exclusion of adults from AU (W&IC 11253; ACL 97-70; 40-105.5(a)-(d))

073-6A Needy caretaker relative of Kin-GAP minor is not penalized if the minor hasn't met immunization or school attendance requirements (ACL 01-64; 40-105.5(d) and 40-105.4(g))

073-6B Kin-GAP child 16 or over who fails to attend school remains aided as a ZBG case (ACL 01-64; 40-105.5)

073-7 Fleeing felons defined, and excluded from the AU (W&IC 11486.5(a); ACL 97-65; 82-832.1(h), (i))

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073-8 Drug felons defined, and excluded from the AU (W&IC 11251.3; ACL 97-65; 82-832.1(j), 832.20)

073-9 Voucher/vendor payments required if excluded AU parent or caretaker is drug felon, but not if fleeing felon (ACL 97-66; W&IC 11251.3, 11486.5; 44-307.11)

073-10 Statutory MFG requirements, including statutory NOA requirements (W&IC 11450.04(a), (f); 44-314.2, .32, .6)

073-10A Regulatory NOA requirements before MFG can apply; when MFG will not apply because AU has been off aid for two consecutive months (44-314.31, .32, 44-314.143; *Nickols v. Saenz*; ACL 00-78)

073-11 When MFG doesn't apply, under MPP (44-314.5)

073-11A State law provides that MFG does not apply when conception occurred when either parent was a nonneedy caretaker relative (W&IC 11450.04(d)(2))

073-11B CDSS position is that if a parent is in home but not in AU, MFG will apply (ACL 97-29)

073-11C When teen/former teen parent establishes own AU, after receiving aid in a caretaker relative's AU at the time of the birth of his/her child, or FG rule does not apply to any existing child, or any child born in next 10 months (44-314.56; *Nickols v. Saenz*)

073-12 MFG child excluded from AU for MAP purposes, but not for MBSAC, special needs (44-314.2, .6)

073-12A Certain payments made to or on behalf of MFG child for child support are exempt from consideration as income (ACL 01-16; *Kehrer v. Saenz*; 44-314.62, .621)

073-13 Revisions to MFG NOA, requirements to notify applicants and recipients of MFG rules, eligibility of certain teen parents (*Nickols v. Saenz*; ACIN I-82-00; ACL 00-78)

073-14 Distinction between sanction and penalty (ACIN I-09-98)

073-14A Persons who are sanctioned (and not in AU) v. persons who are penalized (and are in AU) (ACIN I-09-98)

073-14B Interpretation of how penalized person's exclusion from AU affects HA, RISP, in-kind income, special needs (ACL 99-76)

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073-15 Fraud penalties for persons found to have committed certain offenses result in exclusion from AU, but counting income and resources (ACL 97-69; ACIN I-09-98; W&IC 11486)

074-1A Parent who relinquishes child is no longer a "parent" but may still be caretaker relative (80-301p.(1), 82-808.12)

074-2A Child must be living in home of caretaker relative (82-804.1)

074-3A Caretaker relative defined; second cousin not caretaker relative (82-808.1; ACL 94-01)

074-3B Caretaker relative defined, federal regulations (45 CFR 233.90(c)(1)(v)(A))

074-3C Definition of caretaker relative; degree of consanguinity required (80-301c., 82-808.1)]

074-4 Preliminary determination of the person presumed to be the legal parent (41-403.2, 43-201.1, .17, .2)

074-5 Presumptions regarding the legal parent of a child (Handbook 41-403.21, .22; Family Code 7540, 7550, 7611, 7612; H.& S. Code 10577(a))

075-1A Determination of AU when there are multiple caretakers, or one caretaker and nonsiblings (82-824.1; ACL 94-01)

075-1D Federal law does not preclude state from grouping all needy children living in the same household under the care of one relative into a single AU (*Anderson v. Edwards*, *Edwards v. Healy*)

075-1E Only one AU when there is only one caretaker relative in the home (ACL 95-23; 82-824.13)

075-2A Determination of caretaker relative when child is in shared custody (82-808.4)

075-2B Determination of caretaker relative when both parents apply for aid and have equal care and control (82-808.413)

075-2C Caretaker relative of child(ren) who stays alternately with different parents for more than "one calendar month" is parent who has child (82-808.42; ACL 97-14)

075-2D Definition of "one full calendar month" for purposes of 82-808.4 and 82-812.5 (82-812.51; Handbook 82-812.52)

075-3 When, under state law, two or more AUs are to be combined (W&IC 11450.16(e))

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076-1A Definition of "home of caretaker relative"; includes temporary absence (82-804.2, 82-812)

076-1B Temporary absence only occurs after one full calendar month, which month must be at least 30 calendar days; one full calendar month defined (82-812.51; Handbook 82-812.52)

076-2 Federal definition of eligible caretaker relatives; includes children under court jurisdiction, and children whose legal custody is held by an agency that does not have physical possession of the child (45 CFR 233.90(c)(1)(v)(B))

076-3 Caretaker relative is relative with whom child lives for one full calendar month or more (82-808.42)

076-5 Examples of temporary absence existing for more than one calendar month (82-812.6)

076-6 Temporary absence is only for one calendar month or less, unless it meets an exception (Handbook 82-812.52(b), .6; ACL 97-14)

077-1 Requirement of minor parent to live with parent or guardian in order to receive CalWORKs (formerly AFDC) unless certain exemptions are met (89-201.1, .2)

077-1A Definitions of "minor parent" generally, for Teen Pregnancy Disincentive, and for CWS (80-301m.(3); 89-201.1; 31-002(m)(3))

077-2 Old rule: No income considered available from senior parent to grandchildren (89-201.5, revised 7/1/98, repealed 3/31/03)

077-2A Child support paid to senior parent on behalf of minor parent is not minor parent income in excluded parent computation set forth in 89-201.514 which regulation was repealed 3/31/03 (ACL 01-15; *Dominika S. v. Saenz*)

077-3 Old rule: Grant to minor parent's child(ren), when minor parent is in own AU or in senior parent AU, is greater of grant, per 44-315.3 and MAP of child(ren) (89-201.53, revised 7/1/98 and 3/31/03)

077-4 Old rule: Grant, when minor parent is in senior parent's AU, is greater of grant computed per 44-315.3, and child(ren)'s MAP (89-201.6, repealed 7/1/98)

077-5 Exceptions to mandatory AU inclusion rules for pregnant or parenting minors (Handbook 82-820.333)

077-6 Minor parent not exempt cannot be payee unless adult living in home refuses to accept that duty (89-201.4, .41)

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077-7 Minor parent's failure or refusal to obtain verification of whether or not adult will act as payee renders AU ineligible (89-201.42)

077-8 Determination of exempt AU status when minor parent resides with senior parent (ACL 97-17)

077-9 Determining eligibility when minor parent siblings, living with their senior parent, apply for aid (ACL 97-17)

078-1 Availability of family members' income (W&IC 11008.14)

078-2 Kin-GAP recipient is in own AU, and income and aid payment is not available to others; caretaker relative may be in separate AU (W&IC 11450(j), 11371, 11450.16(B); ACL 99-92, 99-97; 90-105.31, 82-820.22)

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080-1 Definition of personal property (42-203.2; W&IC 11155; ACL 97-66)

081-1 Old rule: Property limit for countable assets is \$1,000 except \$2,000 for recipients under WPDP (42-207.1; W&IC 11155; ACL 97-66)

081-1A Old rule: An AU which includes a recipient shall be allowed to retain countable real and personal property which does not exceed \$2,000 (89-502.1, renumbered to 89-115.11 effective 7/9/95; W&IC 11155; ACL 97-66)

081-2 Resource limits for CalWORKs applicants are FS limits (W&IC 11155, ACL 97-66, 42-207.1; ACIN I-56-02)

081-2A Recipients may have resources equal to FS limit, plus certain restricted accounts and certain interment, funeral, and burial property (W&IC 11155, 11155.2, 11158; 42-207.1)

081-2B Different rules for property evaluation, based on same statute, between 1/1/98 and 6/30/98, and 7/1/98, in that AFDC (now CalWORKs) real property regulations restored 7/1/98 after invalidation, while personal property rules follow FS regulations throughout the entire period (W&IC 11155; 42-203.2, 42-211.2, 42-213.2; ACL 97-66, 98-47)

081-2C Old rule: "AU" can retain countable resources not exceeding FS limit, including all property not excluded in 42-200 et seq., owned by a CalWORKs "family" (42-207.1 revised 8/5/99, 42-203.8, 82-820, 89-100, 63-500; W&IC 11155.2)

081-2D AU can retain all countable resources owned by the "family" (defined in regulations) which do not exceed FS limits (42-207.1, 42-203.8)

081-2E \$3000 property limit for AU which contains a member 60 years or older, or a disabled member (eff. 10/1/02), and \$2000 for other AUs (Handbook 42-207.2; ACIN I-56-02)

081-2F State policy is to disregard state regulations, and to define property using CalWORKs regulations (42-203.2; ACL 99-82)

081-3 Recipients may keep up to \$5,000 in a restricted account (89-504(a), renumbered 89-115.113 effective 7/9/95)

081-4 Restricted accounts require agreement with recipient and county, and funds must be retained for a home, for a child's training, or for a new business (89-504(b), (d), renumbered to 89-130(b), (d) effective 7/9/95)

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082-4 Owner of property based on legal title, possession, use, control, and ability to sell, repealed from January 1-June 30, 1998 (42-203.3; W&IC 11155; ACL 97-66)

082-6 Transfers of property can be made orally; when effective (Civ. C. 1052-1055)

083-1 Rule in effect from 1/1/98-6/30/98: Property must be actually available to be counted in determining eligibility (42-201.1; W&IC 11155; ACL 97-66)

083-2 Old rule: Trust funds to be included if available (42-211.256; W&IC 11155; ACL 97-66)

083-3 Old rule: Treatment of noncourt-ordered trusts (ACL 86-115; ACIN I-92-01)

083-3A CalWORKs applicants and recipients are not required to petition for release of trust funds as a condition of eligibility (ACIN I-92-01; 63-501.3, 40-115, 40-157)

083-4 Exclusion of resources when cash value not accessible to HH (63-501.3(i))

083-5 Rule in effect except from 1/1/1

998-6/30/98: Presumption that those who share title have equal property rights may be overcome (42-205.2; W&IC 11155; ACL 97-66)

083-6 Federal interpretation is property for AFDC is unavailable when no AU member is aware or had reason to be aware of property (Transmittal No. ACF-AT-93-2)

083-7 Inaccessible resource defined to mean the resource would be exempt if its equity value is \$1500 or less (7 CFR 273.8(e)(18))

083-8 Property essential to the employment or self-employment of an HH member is exempt (63-501.3(f))

083-9 Old rule: Exclusion of certain inaccessible resources when the value to the HH is less than one-half the resource limit (63-501.3(h)(5), revised, renumbered eff. 6/1/01)

083-10 Federal regulations exempt resources which would not produce a significant return, or where the cost of selling would be relatively great (7 CFR 273.8(e)(18), modified eff. 1/20/01)

083-11 State regulation makes resources, other than cars or financial instruments, exempt if their sale would produce over \$1500; the regulation is inconsistent with other state and federal regulations which make exempt certain resources whose sale would produce less than \$1500; state regulations amended to conform with federal regulations 2/21/02 (63-501.3(i)(5); 7 CFR 273.8(e)(18); ACIN I-49-01)

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084-1 Old rule: Determination of value of items of personal property other than vehicles and cash and securities; depreciation formula (42-215.33(a); W&IC 11155; ACL 97-66)

084-2 Old rule: Determination of value of personal property when depreciation formula not used (42-215.33(b); W&IC 11155; ACL 97-66)

084-3 Partially Obsolete: 1/1/98 Old rule: Definition of "net market value" of real and personal property, real property definition reinstated 7/1/98 (42-203.7; W&IC 11155; ACL 97-66)

084-4 Old rule: Definition of encumbrances of record (42-215.6; W&IC 11155; ACL 97-66)

084-5 Old rule: Definition of liquid resources (42-211.21; W&IC 11155; ACL 97-66)

084-6 Value of nonexempt real property is equity value, except for vehicles (63-501.12)

085-1A In AFDC, valuation of a motor vehicle by Blue Book, bills of sale, dealer estimates, et al. (McKnight v. McMahon; ACL 92-104)

085-1B Allowable encumbrances against motor vehicles require lender to be registered with DMV (ACL 94-05)

085-1C Old rule: Determination of value of a motor vehicle (42-215.4; W&IC 11155; ACL 97-66)

085-2 Old rule: \$1,500 exemption of motor vehicle (42-213.2z.; W&IC 11155; ACL 97-66)

085-2A Old rule: One motor vehicle exempt for recipient if value does not exceed \$4,500; excess of \$4,500 spills over to property (89-503.1, renumbered 89-125.1 effective 7/9/95; W&IC 11155; ACL 97-66)

085-3 Federal definition of an "automobile" (45 CFR 233.20(a)(3)(ii)(F)(4))

085-4 State definition of a "motor vehicle" (Vehicle Code 415, 670)

085-5 Special adaptive equipment for vehicles of disabled persons, or for vehicles used by caretaker relatives to transport a disabled child, is exempt (ACL 97-38; ADA of 1990)

085-6 Licensed vehicles exempt as resources when jointly owned and joint owner won't sell, or when legal prohibition against selling vehicle (ACIN I-46-96; 63-501.21, 63-501.3(i)(3))

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085-6A Federal Law excludes unlicensed vehicles from resource consideration if vehicle is inaccessible due to joint ownership, if in probate, or when HH is making a good faith effort to sell (7 CFR 273.8(c), (d), (e))

085-7 Old rule: Valuation of motor vehicles (63-501.51, .52)

085-7A A car, if not otherwise excluded, with an FMV greater than the \$4500 (now \$4650) limit, was a countable resource, even if the net value of the car was zero after encumbrances; after 6/1/01, a car worth less than \$1500 is excluded from resource consideration (*Alexander v. Glickman*; 7 CFR 273.8(e); §63-501.525)

085-7B Vehicle is excluded as a resource when necessary to transport a physically disabled HH member, whether HH member is included or excluded, such as an SSI/SSP recipient (63-501.521(e); USDA FNS Letter FS-6-1-CA; 7 USC 2011(g)(2)(c)(ii); ACL 00-06, 00-31; *Anderson v. Saenz*)

085-7C Determining countable resources of vehicles (63-501.525, eff. 6/1/01)

085-7D Vehicle excluded for FS if it is used to transport physically, but not mentally, disabled household member (63-501.521(e); ACIN I-124-00)

085-7E Vehicle exempted if equity value is \$1500 or less under federal regulations (7 CFR 273.8(e)(3), eff. 1/20/01)

085-7F Federal exemption of certain vehicles from equity test (7 CFR 273.8(f)(2), eff. 1/20/01; 63-501.523)

085-7G One licensed vehicle per adult household member is exempt from equity value test (63-501.523(b), eff. 6/1/01, rev. 2/21/02)

085-8 Household can verify that value of vehicle is other than the blue book value (63-501.513)

085-9 Evaluation of unlicensed vehicles (63-501.53)

085-10 Licensed vehicles excluded as resources when jointly owned, and non-household co-owner refuses to sell, or when the household is legally prohibited from selling the vehicle (ACIN I-46-96; 63-501.21, 63-501.3(i))

086-1 Old rule: Exemption of household items and furnishings (42-213.2i.; W&IC 11155; ACL 97-66)

086-2 Old rule: Exemption of tools of trade (42-213.2u.; W&IC 11155; ACL 97-66)

086-3 Old rule: Compensation for converted property is property, and remainder is gross lump-sum income (44-105.3, 42-213.2g., 44-113.12; W&IC 11155; ACL 97-66)

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086-4 Old rule: Property which has been considered in SSI determination is exempt (42-213.2t.; W&IC 11155; ACL 97-66)

086-5 Title IV and BIA loans and grants are totally excluded as of 7/1/93. (ACL 94-02; ACF-AT-93-8; PL

102-325; 42-213.2c.(2))

086-6 Old rule: Retroactive AFDC excluded in month of receipt and following month (42-213.2h.; W&IC 11155; ACL 97-66)

086-7 Old rule for personal property; rule for real property except from 1/1/98-6/30/98: Stepfather's separate and community property is exempt (42-213.11e., 42-213.2p.; W&IC 11155; ACL 97-66)

086-8 Devices required for use by persons with disability are property exempt (ACL 97-38)

086-9 Exclusion from resources of HH goods, personal effects, burial plots, cash surrender value of life insurance, and pension plans (63-501.3(b))

086-10 Rule in effect, 1/1/98-6/30/98: Exemption of property producing income consistent with fair market value (63-501.3(d), ACL 97-66)

086-12 Exclusion of resources when cash value not accessible to HH; specific rules pertaining to trusts (63-501.3(i)(1), 63-1432)

086-13 Rule in effect, 1/1/98-6/30/98: Exclusion of resources such as security deposits, property in probate, real property listed for sale (63-501.3(i)(2)-(4), ACL 97-66)

086-16 Rule in effect, 1/1/98-6/30/98: Inaccessible resources of women in shelter for battered women (63-501.3(m), renumbered to 63-501.3(n), ACL 97-66)

086-17 Income of nonhousehold members such as SSI recipients does not count (63-503.45)

086-18 Identifiable business resources are excluded (63-501.3(f)(2))

086-19 Exemption of EITC payments (63-501.3(m))

086-20 All college work-study program earnings are exempt as income or property (ACL 98-85; 44-111.25)

087-10 Transfer of assets rule rescinded, then replaced (ACL 92-36; ACL 97-66; W&IC 11157.5)

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087-11 Old rule: POI for transfer of assets, pre 7/1/98 (W&IC 11157.5; ACL 97-66; 42-221.1)

087-11A "Family" defined for CDSS purposes as including person living in the home as specified in W&IC 11008.14, plus treatment of certain deemed income from aliens; family defined differently for property purposes (ACL 97-59, 98-17; 42-203.8)

087-11B Transfer of income or property under state law is potentially disqualifying only if (1) transfer is made for a recipient for less than FMV and (2) transfer would affect recipient's eligibility for benefits or amount of benefits. POI is determined by establishing difference between FMV of income or resource and amount received, dividing this result by the standard of need for the family, and rounding down to the lower whole number to establish the number of months of ineligibility, if any (W&IC 11157.5, effective 1/1/99)

087-12 Old rule: State regulations modifying W&IC for determination of POI (42-221.11, revised 8/5/99)

087-12A Transfer of property or income occurs when transfer is for less than FMV and would have affected eligibility for benefits if transfer had not occurred (42-221.1, revised 8/5/99)

087-12B Computation of POI for property transfers (42-221.21, revised 8/5/99)

087-13 Transfer of property rules do not apply to applicants (W&IC 11157.5; 42-221.2)

087-17 Income of nonhousehold members such as SSI recipients does not count (63-503.45)

087-18 Conversion occurs when property is changed from one form to another (42-203.10)

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090-1 Definition of real property repealed from 1/1/98-6/30/98 (42-203.1; W&IC 11155; ACL 97-66, 98-47)

091-1 Old rule: Property limit for countable assets is \$1,000 except \$2,000 for recipients under WPDP (42-207.1; W&IC 11155; ACL 97-66)

091-1A Old rule: An AU which includes a recipient shall be allowed to retain countable real and personal property which does not exceed \$2,000 (89-502.1, renumbered to 89-115.11 effective 7/9/95; W&IC 11155; ACL 97-66)

091-2 Resource limits for CalWORKs applicants are FS limits (W&IC 11155, ACL 97-66, 42-207.1; ACIN I-56-02)

091-2A Different rules for property evaluation, based on same statute, between 1/1/98 and 6/30/98, and 7/1/98, in that AFDC (now CalWORKs) real property regulations restored 7/1/98 after invalidation, while personal property rules follow FS regulations throughout the entire period (W&IC 11155; 42-203.2, 42-211.2, 42-213.2; ACL 97-66, 98-47)

091-3 Maximum resource limit (63-409.12; 63-504.351(b), 63-504.372(a), Handbook 63-1101.1, 42-207.2; ACIN I-56-02)

091-3A Old rule: "AU" can retain countable resources not exceeding FS limit, including all property not excluded in 42-200 et seq., owned by a CalWORKs "family" (42-207.1 revised 8/5/99, 42-203.8, 82-820, 89-100, 63-500; W&IC 11155.2)

091-3B AU may retain countable resources not in excess of FS limit, and if family or child's resources exceed FS limit, their ineligibility results (42-207.1, 8/5/99)

091-3C \$3000 property limit for AU which contains a member 60 years or older, or a disabled member (eff. 10/1/02), and \$2000 for other AUs (Handbook 42-207.2; ACIN I-56-02)

092-1 Rule in effect from 1/1/98-6/30/98: Property must be actually available to be counted in determining eligibility (42-201.1; W&IC 11155; ACL 97-66)

092-3 Obsolete: 1/1/1998; restored 7/1/98: Nonexcluded real property that AU is making good faith effort to sell is exempt for nine months; lien placed on property (42-213.12; W&IC 11155; ACL 97-66)

092-4 Rule in effect except from 1/1/1

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998-6/30/98: Presumption that those who share title have equal property rights may be overcome (42-205.2; W&IC 11155; ACL 97-66)

092-5 Federal interpretation is property for AFDC is unavailable when no AU member is aware or had reason to be aware of property (Transmittal No. ACF-AT-93-2)

093-3 Owner of property based on legal title, possession, use, control, and ability to sell, repealed from January 1-June 30, 1998 (42-203.3; W&IC 11155; ACL 97-66)

093-4 Real property can be transferred only by operation of law, or by a writing (Civ. C. 1091, 1624(a))

093-6 Transfers of property can be made orally; when effective (Civ. C. 1052-1055)

094-1 Partially Obsolete: 1/1/98 Old rule: Definition of "net market value" of real and personal property, real property definition reinstated 7/1/98 (42-203.7; W&IC 11155; ACL 97-66)

094-2 Rule in effect except from 1/1/98-6/30/98: Valuation of real property (42-215.1, .2; *Sidwell v. McMahon*; ACL 90-27)

094-3 Value of nonexempt real property is equity value, except for vehicles (63-501.12)

095-1 Rule in effect except from 1/1/98-6/30/98: Home is excluded property (42-213.3; W&IC 11155; ACL 97-66)

095-2 Old rule for personal property; rule for real property except from 1/1/98-6/30/98: Stepfather's separate and community property is exempt (42-213.11e., 42-213.2p.; W&IC 11155; ACL 97-66)

095-3 Rule in effect except from 1/1/98-6/30/98: Real property of father excluded when mother and father not married, not living together, and child not legitimized by father (42-213.11d.; W&IC 11155; ACL 97-66)

095-4 Devices required for use by persons with disability are property exempt (ACL 97-38)

095-5 Old rule: 1/1/98-6/30/98 Exclusion from resources of home and surrounding property (63-501.3(a), ACL 97-66)

095-6 Rule in effect, 1/1/98-6/30/98: Exemption of property producing income consistent with fair market value (63-501.3(d), ACL 97-66)

095-8 Rule in effect, 1/1/98-6/30/98: Exclusion of resources such as security deposits, property in probate, real property listed for sale (63-501.3(i)(2)-(4), ACL 97-66)

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095-11 Rule in effect, 1/1/98-6/30/98: Inaccessible resources of women in shelter for battered women (63-501.3(m), renumbered to 63-501.3(n), ACL 97-66)

095-12 Income of nonhousehold members such as SSI recipients does not count (63-503.45)

096-1 Old rule: POI for transfer of assets, pre 7/1/98 (W&IC 11157.5; ACL 97-66; 42-221.1)

096-1A "Family" defined for CDSS purposes as including person living in the home as specified in W&IC 11008.14, plus treatment of certain deemed income from aliens; family defined differently for property purposes (ACL 97-59, 98-17; 42-203.8)

096-1B Transfer of income or property under state law is potentially disqualifying only if (1) transfer is made for a recipient for less than FMV and (2) transfer would affect recipient's eligibility for benefits or amount of benefits. POI is determined by establishing difference between FMV of income or resource and amount received, dividing this result by the standard of need for the family, and rounding down to the lower whole number to establish the number of months of ineligibility, if any (W&IC 11157.5, effective 1/1/99)

096-1C Old rule: State regulations modifying W&IC for determination of POI (42-221.11, revised 8/5/99)

096-1D Transfer of property or income occurs when transfer is for less than FMV and would have affected eligibility for benefits if transfer had not occurred (42-221.1, revised 8/5/99)

096-1E Computation of POI for property transfers (42-221.21, revised 8/5/99)

096-2 Conversion occurs when property is changed from one form to another (42-203.10)

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- 100-1 GAIN renamed (W&IC 11320)
- 100-2 Welfare to work may replace GAIN regulations as early as 1/1/98 (ACL 97-72)
- 100-3 County duty to put its discretionary standards in writing (21-115; Handbook 11-501.3; ACL 00-08, 02-03)
- 100-4 County must submit plan to CDSS, which requires CDSS certification (W&IC 10532(a), (b))
- 100-5 Old rule: Definition of "appraisal" (W&IC 11325.2(a); ACL 97-72; 42-711.522, revised 9/13/99)
- 100-5A Definition of "appraisal" and county informing requirements (42-711.521, .522)
- 100-6 Definition of "reappraisal" (W&IC 11326; ACL 97-72; 42-711.7)
- 100-7 Definition of "assessment" and what assessment includes (ACL 97-72; W&IC 11325.4, .7, .8; 42-711.551, .554)
- 100-8 Definition of "evaluation" (W&IC 11325.25(a); 42-711.58)
- 100-9 Definition of "adult basic education" (42-702a.(1))
- 100-10 Definition of "community service" (42-701.2c.(3))
- 100-11 Definition of "doctor" (42-701.2d.(2))
- 100-12 Definition of "employment" (42-701.2e.(1))
- 100-13 Definition of "work experience" (42-701.2w.(1))
- 100-14 Definition of "enrollment" (42-702.3)
- 100-15 Definition of "subsidized employment" (42-701.2s.(2))
- 100-16 Definition of "learning disabilities" (ACL 01-70)
- 100-17 Definition of "screening" (ACL 01-70)
- 101-1 Minimum hours of participation for WTW recipient in single person AU (W&IC 11322.8(a); 42-711.411, .412, .413)

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101-2 Minimum hours of participation in WTW-U situations (W&IC 11322.8(b); ACL 97-72; 42-711.421)

101-3 When 2 parents in AU, parents must participate 55 hours per week in WTW to receive federally funded child care (ACL 97-72; 42-711.422)

101-6 CDSS has identified post-assessment WTW county policies which are contrary to state requirements because they are based on generalized policies, rather than individualized assessments (ACL 02-03)

101-7 Post-assessment WTW assignments must consider the individual's educational level, employment experience, relevant employment skills, available program resources and local labor market opportunities (ACL 02-03; W&IC 11325.22(b))

101-8 Requirement to advise WTW participants of right to a third party assessment, and county duty to refer if the participant indicates dissatisfaction with the assessment (ACL 02-03; 42-711.522(c)(5), 42-711.556)

102-1 All nonexempt persons must participate in WtW (W&IC 11320.3(a); 42-712.1)

102-2 Exemption for persons under 16 (W&IC 11320.3(b)(1); 42-712.411)

102-3 Full-time school attendance of child generally qualifies for exemption from WTW (W&IC 11320.3(b)(2), 11325.3(d), 11325.25; ACL 97-72; 42-712.421)

102-4 Exemption from WTW based on disability (W&IC 11320.3(b)(3)(A); 42-712.44)

102-5 Exemption from WTW based on advanced age, which is 60 per CDSS (W&IC 11320.3(b)(3)(B); ACL 97-72; 42-712.43)

102-6 Exemption from WTW based on nonparent caretaker relative caring for a child (W&IC 11320.3(b)(4); 42-712.45)

102-7 Exemption from WTW based on care of an ill or incapacitated household member (W&IC 11320.3(b)(5); 42-712.46)

102-8 Exemption from WTW based on care of child under 6 months of age (W&IC 11320.3(b)(6)(A); 42-712.47)

102-8A Factors to be considered in extending exemption for care of child less than 6 months old (W&IC 11320.3(b)(6)(A)(iii); 42-712.472(b)(1))

102-9 Exemption from WTW based on pregnancy (W&IC 11320.3(b)(7); 42-712.48)

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- 102-9A Exemption from WTW based on full-time VISTA status (42-712.49)
- 102-10 Denial of claimed exemption from WTW on any basis (W&IC 11320.3(b))
- 102-11 County duty to review for temporary exemption from WTW activities, and recipient duty to cooperate in providing information (W&IC 11320.3(f); 42-713.1)
- 102-12 Good cause for not participating in WTW activities (ACL 97-72; 42-713.2)
- 102-13 Most learning disability persons can participate in WTW but some may be exempt if verification by health care professional is provided (ACL 01-70; 42-712.44, 42-701.2(d))
- 103-1 Recipients attend orientation and appraisal, and participate in job search and job club activities (W&IC 11320.1(a))
- 103-2 Requirement to enter into WTW plan after assessment (W&IC 11325.21; 42-711.61)
- 103-3 Plan requirements (W&IC 11325.21(c), .22, 11323.2; ACL 97-72; 42-711.6)
- 103-6 Civil rights laws require changes to treatment of persons with learning disabilities in WTW; seven significant changes outlined (ACL 01-70)
- 103-6A Definition of "learning disabilities" (ACL 01-70)
- 103-6B Definition of "screening" (ACL 01-70)
- 103-6C Definition of "reasonable accommodations"; judgments must be specific to individual's needs, and free of cost (ACL 01-70)
- 103-6D New WTW participants must be offered screening no later than assessment (ACL 02-64)
- 103-7 County responsibilities when person is identified with a learning disability (ACL 01-70)
- 103-8 Responsibility to screen new and current WTW persons for learning disabilities; how participants with LEP are treated (ACL 01-70, 02-64)
- 103-9 No sanction if person declines learning disabilities screening or evaluation, but county must inform person of consequences (ACL 01-70)
- 103-10 Referral process for evaluation of persons with suspected learning disabilities (ACL 01-70; 42-711.58)

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- 103-11 County duties when it receives learning disabilities evaluation (ACL 01-70)
- 103-12 Person with learning disabilities' right to appeal, file discrimination (ACL 01-70; 42-711.582, 21-203)
- 103-12A Persons who filed fair hearing requests pre-10/17/01 do not lose their rights to have the provisions of ACL 01-70 applied to them (ACL 02-64)
- 103-13 Determining whether job search should be the first WTW activity (ACL 01-70; 42-711.53)
- 103-14 Retrospective adjustment of time clock for persons with learning disabilities who have been improperly evaluated (ACL 01-70)
- 103-15 Most learning disability persons can participate in WTW but some may be exempt if verification by health care professional is provided (ACL 01-70; 42-712.44, 42-701.2(d))
- 104-1 Specific failures or refusals which will lead to a sanction (W&IC 11327.4(a); 42-721.22)
- 104-2 Good cause for failure or refusal to comply with program requirements (W&IC 11320.31, 11327.9; 42-721.311-.317, 42-721.32)
- 104-3 Disqualification period applies only to noncomplying person; length of disqualification (W&IC 11327.5(c), (d); ACL 97-72; 42-721.43)
- 104-4 No instance of noncompliance if good cause established, or if no good cause but person agrees to, and fulfills, compliance plan (W&IC 11327.4(f), (g); 42-721.28)
- 104-5 Requirements of 30-day advance notice, and scheduling of appointment within 20 days of notice, after county determination of no good cause for WTW failure or refusal to participate (W&IC 11327.4(b); 42-721.23, .24))
- 104-5A Lack of contact with or from person proposed to be sanctioned results in sanction (W&IC 11327.4(c), (d); 42-721.25, .26)
- 104-6 Prior GAIN sanctions do not count for CalWORKs purposes (ACL 00-23)
- 104-8 Good cause for not participating in WTW activities (ACL 97-72; 42-713.2)
- 105-1 General rules for SIP participation; most graduate students excluded from SIPs (W&IC 11325.23; ACL 97-72, 99-32; 42-711.541, .542)
- 105-2 Instances in which an SIP will lead to employment (W&IC 11325.23(a)(3)(A), (B); 42-711.543; ACL 99-32)

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105-2A County must establish criteria for approving proposed SIPs not on County list, and making criteria known to participants (ACL 99-32; 42-711.543(b))

105-3 SIP participant may be required to participate in work activities if SIP does not require 32 weekly hours of participation but work activities should not interfere with SIP (W&IC 11325.23(a)(3)(C), 11320.31(f), 11322.8; 42-711.544; ACL 99-32)

105-3A When county and participant disagree on meeting 32-hour SIP requirement, participant may have independent assessment and then a state hearing if there has been a referral to an independent assessor, or a state hearing immediately if there has been no referral (42-711.556, 42-711.557; ACL 99-32)

105-3B Special classes or tutorials necessary for learning disabled SIP participant count towards 32-hour weekly participation requirement (ACL 99-32; 42-711.58, 42-711.544)

105-4 "Enrolled" defined for SIP purposes (42-711.541, .547, .549; ACL 99-32)

105-5 SIP cannot be denied solely because it cannot be completed within the individual's WTW activity time period (ACL 99-32; 42-711.541)

105-6 Recipients in certain unapprovable SIPs must be given the chance to complete the quarter or semester, and can receive supportive services during that time (ACL 99-32; 42-711.547)

105-7 WTW supportive services can be denied or reduced because of receipt of financial aid only when participant agrees financial aid is available (42-750.332; ACL 99-32)

105-8 County must provide notice if it denies continuation in an SIP (42-711.524)

106-1 Mandatory supportive services which are necessary for participation must be provided, or good cause for nonparticipation exists; all but child care shall be advanced; recipients do not need to use their income, disregards or grant (ACL 97-72, 00-54; W&IC 11323.2, 11325.23(d), 11323.4(a); 42-750.1)

106-1A No caps or limits on supportive services, but secondary review permitted; optional services may be different for pre-time limit and post-time limit recipients (ACL 00-12; 42-750.11)

106-2 Reimbursement for supportive service travel costs (W&IC 11323.2(a)(2); ACL 97-72, 00-54; 42-750.112)

106-2A Payment for transporting children may be an allowable travel cost (ACL 00-54)

106-3 Allowable ancillary expenses (W&IC 11323.2(a)(3); 42-750.113)

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- 106-4 When personal counseling is allowed (W&IC 11323.2(a)(4); 42-750.114)
- 106-5 County responsibility to administer Stage One child care, and to transition family to Stage Two as quickly as possible (ACL 97-73; W&IC 11323.6, .8; Educ. Code 8351)
- 106-6 Reimbursement for child care expenses during January-July 1998 transition period (ACL 97-59)
- 106-7 WTW supportive services can be denied or reduced because of receipt of financial aid only when participant agrees financial aid is available (42-750.332; ACL 99-32)
- 106-8 Requirements for reimbursement of WTW transportation costs; right to obtain retroactive transportation costs back to 1/1/98 (ACL 01-50)
- 106-10 Modification of rule: Counties may correct supportive services underpayments or overpayments, but may not offset a child care overpayment against the CalWORKs grant without the recipient's permission (W&IC 11323.4(b); ACL 97-73; 42-751.11, 42-751.4(d), (e))
- 106-10A When overpayment collection of transportation and ancillary support services is appropriate; methods of collection (42-751.1, .3, .4)
- 106-10B County duty to calculate overpayment, and may use recovery methods concurrently (42-751.2)
- 106-10C Requirement to initiate recovery of overpayment within 30 days of its discovery, and requirements of notification (42-751.4(c))
- 106-11 Erroneous child care payment made to good-faith provider of child care services when no recipient eligibility for CalWORKs shall be recouped from participant, not provider (ACL 97-73)
- 106-13 Available mental health services (W&IC 11325.7(c); 42-716.511-.515)
- 106-16 Required substance abuse treatment services (W&IC 11325.8(a); 42-716.61)
- 106-17 Participants with substance abuse problems shall have their WTW plan based on a professional evaluation (42-711.571)
- 106-18 Requirement under Civil Rights laws to be nondiscriminating and provide equal access to people with disabilities, under Title II of ADA and California FEHA (ACL 01-42)

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- 106-20 Definition of grant-based OJT (42-701(g)(2))
- 106-21 Requirement to meet with recipient, and give recipient form to sign, with respect to grant-based OJT ramifications (42-716.81)
- 107-1 Major program requirements of Cal-Learn (42-762.2)
- 107-4 Pregnancy CalWORKs benefits and the pregnancy special need payments during first two trimesters for Cal-Learn participants (42-762.7, 42-763.114)
- 107-6 Counties must provide notice to teens erroneously not enrolled in Cal-Learn and issue aid for the bonuses which the teen would have received if enrollment had occurred, and also modify 18- and 24-month time clock (ACIN I-10-02)
- 108-1 Due process and hearing rights continue under WTW (W&IC 10950; ACL 97-73)
- 108-2 WTW participants entitled to hearings, and in most cases to grievances (W&IC 11327.8(a); 42-721.51)
- 108-2A Limited rights of appeal when independent assessment is required (W&IC 11327.8(b), 11325.4(c)(1); ACL 97-72; 42-711.554)
- 108-3 Right to appeal from grievance, but requirement to participate during grievance procedure if sanction is not to be imposed (W&IC 11327.8(b); 42-721.511 (e) and .512(e))
- 108-4 Right to appeal on-the-job working conditions, or worker's compensation related matters, to federal as well as state government (W&IC 11327.8(c), 10960, 10962; 42-721.511(b) and (d))
- 108-7 U.S. Supreme Court analysis of abuse of discretion (*Motor Vehicle Mfrs. Ass'n v. State Farm Mutual.*)
- 108-7A Review standards for abuse of discretion in California (Asimow, Michael, 42 UCLA L.R. 1157)
- 108-8 Person with learning disabilities' right to appeal, file discrimination (ACL 01-70; 42-711.582, 21-203)
- 109-1 Normally a parent or caretaker relative subject to WTW receives aid for maximum of 18 months unless the individual meets certain other criteria (42-710.1)
- 109-1A "WtW Grant program" defined (42-701.2(w)(1))

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109-3 Counties shall develop criteria to extend the 18-month time period for up to six more months (42-710.12)

109-4 Months which do not count toward the 18- or 24-month time limit (42-710.6)

109-4A Pregnant or parenting teen who should have been enrolled in Cal-Learn, but was erroneously placed in WTW, shall have 18- to 24-month time clock revised to reflect the Cal-Learn exemption (42-710.62; ACIN I-10-02)

109-5 No caps or limits on supportive services, but secondary review permitted; optional services may be different for pre-time limit and post-time limit recipients (ACL 00-12; 42-750.11)

109-6 One can combine unsubsidized employment with a job and/or with community service activities or WTW grant program activities, to meet WTW participation requirements (42-710.3)

109-6A Single parents must participate for 32 hours per week, and parents in a two parent AU must participate for 35 hours (42-711.4)

109-6B After 18- or 24-month period has expired, CalWORKs recipient must participate in community service (including grant based OJT and other specified activities), but county must set forth activities in plan (ACL 99-111; 42-711.91)

109-6C Activities, in addition to basic community service, which may be considered parts of the assignment (ACL 99-111; 42-711.91)

109-6D County community service plan must not routinely require participation in WTW activities (ACL 99-111)

109-6E Individuals may develop a self-initiated community service plan, but plan may be rejected if inconsistent with the individual's WTW plan, or if it does not conform to statutes, regulations, or policies governing community service (ACL 99-111)

109-6F Child care services must be provided to community service participants, and if other services necessary to participation are not provided, a recipient will have good cause for nonparticipation (ACL 99-111; 42-750)

109-6G Individuals who have reached 18- or 24- month limit may still be sanctioned for nonparticipation in community service, but they may establish good cause (ACL 99-111; 42-711.94, 42-721.2 and .4)

109-6H Maximum hours of unpaid community service required for 18- or 24-month time limited AUs who receive FS (42-711.93)

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109-6I Maximum hours of unpaid community service required for 18- or 24-month time limited AUs who do not receive FS (42-711.94)

109-7 Definitions of "no job is currently available" (42-710.5)

109-8 Retrospective adjustment of time clock for persons with learning disabilities who have been improperly evaluated (ACL 01-70)

109-17 Counties must provide information, if requested, of cumulative countable months on aid, exempt months, and remaining months, for 60-month eligibility purposes (40-107.146)

109-18 State regulations provide that at time aid is approved, the county must notify the applicant of the "cumulative number of countable months that the recipient has received aid", the months that were exempt from the 60-month time limit, and the remaining number of months the recipient may be eligible for aid (40-107.141)

109-19 Requirements to issue NOA at redetermination of aid, and contents of NOA (40-107.142)

109-19A Despite regulatory requirements of 40-109.142, CDSS says counties are not required to send mandated NOA in 54th countable month; new regulations clarify county responsibilities (ACIN I-47-02; 40-107.14, eff. 4/9/03)

109-20 Timed out adult is one who has been removed from AU because of 60-month time limits (82-833.1)

109-21 Adult who received TANF/CalWORKs for 60 months from 1/1/98 and forward is generally ineligible for CalWORKs (42-301.1, 42-302.1)

109-21A Exceptions to general 60-month time limit for adults (42-302.11, .12)

109-21B Specific exception to general 60-month time limit for adults based on inability to maintain employment or participate in WTW activities (42-302.114)

109-22 All whole or partial months in which an adult receives a cash grant count toward 60-month time limit, unless an exempt or diversion month (42-302.2)

109-23 "Exempt" months for purposes of 60-month time limit (42-302.21)

109-23A Unticking the 60-month clock because of child support recoupment (ACL 02-74; 42-302.21(g))

109-23B Unticking the 60-month clock because of overpayment repayment (ACL 02-74)

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109-24 "Non-countable" months for purposes of 60-month time limit when a diversion payment is received (42-302.22)

109-25 Requirement to notify recipients of 60-month time limit (ACL 02-33; 40-107.141-.149)

109-26 Recipient can request an exemption/exception to 60-month time limit (42-302.3)

109-27 Form for requesting an exemption/exception to 60-month time limit (42-302.31)

109-28 Notice required when recipient has requested an exception/exception to 60-month time limit; county responsibilities to research (42-302.32, .33)

109-29 Pre-4/9/03 notice requirements when exemption/exception request is approved or denied (42-302.34)

109-29A NOA requirements when approving or denying a request for exception or exemption to 60-month limit (42-302.34)

109-30 Treatment of income and needs of adult removed from AU due to exceeding 60-month CalWORKs limit (44-133.8)

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120-1 Special rules regarding responsible county when a child moves from one county to another (40-190.222, formerly 40-187.222)

120-2 Old rule: CDSS position as to persons whose income is considered in determining eligibility and grant (ACL 97-59, 44-133.5, as revised 7/1/98)

120-3 In zero basic grant cases, instances when AU is considered to have received a cash aid payment (44-315.9, 7/1/98)

120-4 In transition from FC to Kin-GAP, FC payment shall not reduce KIN-GAP payment in first month (ACL 00-09)

121-1A Rule from 9/1/91-12/31/97 re: Grant computation, generally (44-315.3; AB 1542; W&IC 11450(a); ACL 97-59)

121-1B Computation of grant and determination of eligibility for all AUs (W&IC 11451.5, 11450.12, 11450 (a), (e), 11452; ACL 97-59; 44-113.213-.217, 44-207.1, .2)

121-1C Computation of CalWORKs grant, general (ACL 97-59; W&IC 11451.5, 11450.12; 11450(a), (e), 11452; 44-315.31-.37, 44-113.213-.217)

121-1D Needs of parents and caretaker relatives not considered if preschool children have not received immunization (W&IC 11265.8(a); ACL 97-70; 40-105.4(c), (g))

121-2 Prospective and retrospective budgeting principles (44-313.1, .2)

121-2A Guidelines for establishing income in beginning months (ACL 92-107; 44-313.1)

121-3 Discontinuous income not counted in third and fourth payment periods (44-313.31)

121-4 Old rule: Discontinuance based on expected income exceeding 185% of MBSAC shall be rescinded if income is not actually received (44-207.222(c) repealed 7/1/98; AB 1542; ACL 97-59)

121-5 Income of person added to AU to be budgeted prospectively (44-313.41)

121-6 Definition of "month" in alternate payment system (44-313.51)

121-7 Suspension when ineligibility is for one month only (44-315.81)

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121-8 Retrospective budgeting used following suspension unless significant change in circumstances (44-315.82, .83)

121-9 Exempt or nonexempt AU status retrospectively budgeted after beginning four months of aid (89-110.282, .283, .293)

121-10 In beginning months, AU is entitled to exempt MAP if it meets exempt qualifying conditions at any time during month (89-110.27, .28, .291)

122-1 Beginning date of aid (44-317.11)

122-2 Beginning date of aid (newborn is added to AU) (44-317.22; 82-836.1, 88-410)

122-3 Initial payment for addition of child or needy relative into the AU (44-319.13)

122-4 Proration of the grant when the beginning date of aid is after the first of the month; method of proration (44-315.72)

122-8 County duty to withhold action on application if it appears that eligibility will exist within 60-day period (40-171.11)

122-11 Beginning date of aid for new AU member (44-318.1)

123-3 Immediate need can be issued if there is apparent eligibility (40-129.21)

123-4 Amount of immediate need payment (40-129.23)

123-5 Completion of immediate need application process (40-129.91)

123-6 Immediate need aid payment rules (40-129.2-.4, .9)

124-1 Warrant to be paid to caretaker relative with whom the child is living; exceptions (44-305.12)

124-3 County option for monthly or semimonthly payment system (44-304)

124-4 Replacement warrant must be issued within five working days after county receives affidavit of loss or nonreceipt (Handbook 25-330.6; Gov. Code 29853.5(a), (b))

124-4A CDSS policy to allow counties not to issue replacement warrants contradicts statutory language and legislative policy (Beverly v. Anderson; Gov. C. 29853.5(a), (b))

124-4B Reissuance of public assistance warrant, or electronic fund transfer, is required under terms of Gov. Code 29850-29854 when regulatory requirements as to loss, theft, failure to complete transfer, etc., are met (25-302.1 and .3)

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- 124-5 Electronic fund transfer defined (25-302.131)
- 124-6 Any PA recipient may authorize an electronic fund transfer to his/her account (25-301.14)
- 124-7 PA payments cannot include enclosures except those relating to the PA program which issues the payment (25-330.9)
- 124-10 Description of EBT system (Handbook 16-001.1)
- 124-11 EBT system to be used for FS, and may be used for CalWORKs (16-001.2, .3)
- 124-12 EBTs to be issued in compliance with regulatory guidelines (16-215.1)
- 124-13 County must give toll-free number to report stolen or lost EBT, and issue replacement EBT within 3 business days (16-515.1, 16-517.1)
- 125-1 Old rule: Income eligibility, general (44-207.2, .3, repealed 7/1/98; ACL 97-59)
- 125-2 Old rule: County action when income exceeds the 185% limitation (44-207.22, repealed 7/1/98; ACL 97-59)
- 125-3 MBSAC amount (Handbook 44-315.311(a)) [NOTE: Please submit worksheet]
- 125-3A MBSAC amount in Region 1 counties (Handbook 44-315.311(a))
- 125-3B MBSAC amount in Region 2 counties (Handbook 44-315.311(a))
- 125-3C Counties are Region 1 or Region 2 as of 1/1/97 (W&IC 11452.018(b))
- 125-4 MAP amount pre-June 1, 1996 (Handbook 44-315.311(a))
- 125-4A Old rule: MAP for exempt AUs (Handbook 44-315.311(a))
- 125-4B Old rule: MAP for nonexempt AUs (Handbook 44-315.311(a))
- 125-4C MAP for exempt AUs in Region 1 counties (Handbook 44-315.311(a))
- 125-4D MAP for nonexempt AUs in Region 1 counties (Handbook 44-315.311(a))
- 125-4E MAP for exempt AUs in Region 2 counties (Handbook 44-315.311(a))
- 125-4F MAP for nonexempt AUs in Region 2 counties (Handbook 44-315.311(a))
- 125-5 Old rule: 185% MBSAC amount pre-1/1/97 (Handbook 44-207.113, repealed 7/1/98; ACL 97-59; AB 1542) [NOTE: Please submit worksheet]

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125-5A Old rule: 185% MBSAC amount in Region 1 counties (Handbook 44-315.311(a), repealed 7/1/98; ACL 97-59; AB 1542)

125-5B Old rule: 185% MBSAC amount in Region 2 counties (Handbook 44-315.311(a), repealed 7/1/98; ACL 97-59; AB 1542)

125-8 Old rule: Financial eligibility based on estimated income (44-207.33, renumbered 44-207.23, 7/1/98; AB 1542; W&IC 11450.12; ACL 97-59)

125-9 Old rule: Earned income exemption applied in determining financial eligibility only if person received AFDC in previous four months (44-207.322, repealed 7/1/98; ACL 97-59)

125-10 Old rule: In first months of aid, temporary income exceeding 185% of MBSAC causes overpayment in that month (44-207.221(d), repealed 7/1/98; ACL 97-59)

125-11 County shall rescind MBSAC discontinuance if estimated net income is not received (44-207.34, renumbered 42-207.24, 7/1/98)

125-12 Income from person deleted from AU is not retrospectively budgeted (44-313.42)

125-13 Applicants receive only a \$90 deduction from each member's earned income in establishing financial eligibility in accord with the MBSAC (W&IC 11450.12; ACL 97-59; 44-207.1)

125-14 Computation of grant and determination of eligibility for all AUs (W&IC 11451.5, 11450.12, 11450 (a), (e), 11452; ACL 97-59; 44-113.213-.217, 44-207.1, .2)

125-14A Kin-GAP child is treated as recipient, not applicant (ACL 99-97)

125-15 MAP for Kin-GAP is basic FC rate in county where guardianship was established (ACL 99-97)

125-16 Needs of those persons considered in family MAP or MBSAC (44-133.52, revised 7/30/99)

126-1 Minor parent not exempt cannot be payee unless adult living in home refuses to accept that duty (89-201.4, .41)

126-2 Vouchers or vendor payments required when parent or caretaker relative subject to a minimum sanction of at least 3 months (W&IC 11453.2; 44-307.12; ACL 97-66)

126-3 Voucher/vendor payments required if excluded AU parent or caretaker is drug felon, but not if fleeing felon (ACL 97-66; W&IC 11251.3, 11486.5; 44-307.11)

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126-4 Definition of vendor payments; when vendor payments are applicable (44-303.3)

126-5 Counties can issue vouchers or vendor payments in addition to mandated ones, if necessary in best interest of children (44-307.31)

128-1 Old rule: Requirements for establishing exempt AU (89-110.2; ACL 97-59; W&IC 11450.019)

128-1A AUs not subject to MAP reductions, i.e., exempt AUs (W&IC 11450.019)

128-1B CDSS interpretation of exempt MAP status as of 1/1/98 (ACL 97-59; 89-110.225, .24)

128-3 When AU must request exempt status, AU cannot be exempt prior to month county "receives" request (89-110.271; ACL 96-28)

128-4 When AU does not have to request exempt status, AU can be exempt when qualifying conditions are met (89-110.26, .27; 44-340.31; ACL 96-28)

128-5 Exempt or nonexempt AU status retrospectively budgeted after beginning four months of aid (89-110.282, .283, .293)

128-6 County must make exempt status determination by 16th calendar day following AU request, when request made 9/1/96 or later (ACL 96-28)

128-7 Definition of caretaker relative; degree of consanguinity required (80-301c., 82-808.1)]

128-8 In beginning months, AU is entitled to exempt MAP if it meets exempt qualifying conditions at any time during month (89-110.27, .28, .291)

128-11 Determination of exempt AU status when minor parent resides with senior parent (ACL 97-17)

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130-1 Unearned income is all income which is not earned, or disability-based unearned (W&IC 11451.5(c), revised 7/30/99)

130-3 Definitions for purposes of 44-315, of NNI, grant amount, potential grant (44-315.1, revised 7/30/99)

130-4 Net income is gross income minus exemptions and disregards; gross income includes earnings by part-time student applicants and current child support payments for non-MFG children (44-207.21)

131-1 Old rule: Income from room rental (44-113.1b., prior to 3/1/96)

131-1A Rental of rooms, room and board, are self-employment income (44-113.1b.)

132-3 Noneducational grants are exempt income when the proceeds are not available to meet current needs (44-111.436)

132-4A Loans which are exempt from consideration as income (44-111.437(a))

132-5A Title IV and BIA loans and grants are totally excluded as of 7/1/93. (ACL 94-02; ACF-AT-93-8; PL

102-325; 42-213.2c.(2))

132-6 Transportation deduction from educational loans and grants (44-111.435)

133-1 Treatment of child support payment when received directly by recipient (82-518.2, revised 1/18/00)

133-1A \$50 child support disregard continues under TANF and CalWORKs (ACIN I-11-97, I-51-97; 82-518.22)

133-1B Date of wage withholding is date of collection of child support (82-520.2, formerly 82-518.4)

133-1C \$50 of current support obligation is disregarded as income or resource (82-520.4, revised 10/1/98)

133-2 Treatment of child support when wages withheld (*Vanscoter v. Sullivan*)

133-3 Title II child insurance payments are not "child support" (*Sullivan v. Stroop*)

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133-4 Old rule: CDSS position as to when there is jurisdiction in state hearing to review child support distributions (ACL 94-69)

133-5 No jurisdiction to hear issues concerning receipt and distribution of child support (Pereira-Goodman v. Anderson; ACL 97-46)

133-6 "Excess payments" from child/spousal support are income in CalWORKs, and "pass-on payments" are income in FC (82-520.5, revised 10/1/98, replaced by 82-518.14, 4/1/00)

133-7 Child/family and spousal support regulations for CalWORKs and FC (12-425, 43-203, 82-508, 82-518, 82-520; 25-

900-925 repealed, eff. 8/12/99)

133-8 Record retention in child support (ACL 00-38)

134-2 In-kind income; definition (44-101.8)

134-3 In-kind income from nonneedy relatives (44-115.21)

134-4 In-kind income values are prescribed by regulation (44-115.31)

134-4A Different values for AIK in Region 1 and Region 2 (Handbook 44-315.311(a))

134-5 Right of recipient to provide evidence of actual in-kind income values (44-115.31, .32, .333)

134-6 In-kind income in shared living situation based on AU or those whose needs are considered in AU (44-115.33, revised 7/30/99)

135-1 Old rule: Statute relating to the deeming of parent and sibling income (W&IC 11008.14; AB 1542)

135-4 Old rule: Composition of Stepparent/Ineligible alien (then IRCA) AU; who may be included (44-133.61; AB 1542; W&IC 11008.14; ACL 97-59)

135-5 Old rule: Current rule regarding computation of stepparent ineligible alien (then IRCA) contribution (44-133.631; AB 1542; W&IC 11008.14; ACL 97-59)

135-5A Definitions of "ineligible alien parent" and "IRCA" individual for deeming purposes (44-133.5)

135-5B Old rule: Composition of ineligible alien parent unit (44-133.511, .512; AB 1542; W&IC 11008.14; ACL 97-59)

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135-5C Old rule: Computation of deemed income from ineligible alien parent unit to AU (44-133.521; AB 1542; W&IC 11008.14; ACL 97-59)

135-5D Income of excluded parent deemed to AU, but not if parent is sanctioned, a member of a different AU, or in a different aid program, but needs of excluded parent (other than an ineligible alien) only included if parent has income (44-133.51, revised 7/30/99)

135-6 Old rule: General rule regarding income from senior parent to minor parent; definition of minor and senior parent (44-133.7, 80-301m.(3), s.(3))

135-7 Old rule: Computation of income to be applied from senior parent to minor parent (44-133.75)

135-7A Old rule: No income considered available from senior parent to grandchildren (89-201.5, revised 7/1/98, repealed 3/31/03)

135-7B Old rule: Grant to minor parent's child(ren), when minor parent is in own AU or in senior parent AU, is greater of grant, per 44-315.3 and MAP of child(ren) (89-201.53, revised 7/1/98 and 3/31/03)

135-7C Old rule: Grant, when minor parent is in senior parent's AU, is greater of grant computed per 44-315.3, and child(ren)'s MAP (89-201.6, repealed 7/1/98)

135-8 Deeming of senior parent income precluded when parent is 18, lives with senior parent, and does not meet school attendance requirements (*Grimesy v. McMahon*; ACL 87-17; Handbook 44-133.77; ACIN I-58-86)

135-9 Deeming rules apply only when the senior parent is in the home and not part of the AU (44-133.73)

135-10 Minor parents who are in foster care with their nonrelated legal guardian do not have income deemed to them (*Hager v. McMahon*; ACL 87-129)

135-11 Income and resources of sponsor deemed to sponsored alien (43-119.22)

135-12 Determination of income deemed to the sponsored alien (44-133.101)

135-14 Income when parent or child has been excluded from the AU (44-133.33)

135-15 Ineligible alien child's income not deemed to other family members (ACL 92-68; 44-113.141)

135-16 Ortega decision, allowing for needs of ineligible alien to be deducted from income, is not to be implemented by counties until 12/1/97 (ACL 97-30, 97-37; *Ortega v. Anderson*)

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135-17 Deeming rules for ineligible aliens still apply after 1/1/98 (ACL No. 97-57, 98-17)

135-18 Determining income in ineligible alien family member cases (44-133.53; ACL 98-17)

136-1 Old rule: LSI definition (44-207.411; AB 1542; 44-207.31)

136-1A Old rule: LSI includes income of sanctioned individual (44-207.412, invalidated by AB 1542, 1/1/98 and repealed 7/1/98)

136-1B Old rule: Persons excluded by law, and stepparents who are not essential persons, applicants, or recipients are exempt from lump-sum computations when they receive income (44-207.413, invalidated by AB 1542, 1/1/98, and repealed 7/1/98)

136-2 Old rule: Lump-sum income computation formula; *Rutan* notice required (Handbook 44-207.42, .43, invalidated by AB 1542, 1/1/98 and repealed 7/1/98; *Rutan v. McMahon* (Consent Decree))

136-2A *Rutan* notice requirements (ACIN I-22-94; *Rutan v. McMahon*)

136-2B Oral advice not required in ESP counties which give *Rutan* notice, but county must send two notices during course of year (*Rutan v. McMahon*, Modification of Consent Order, 5/9/96)

136-3 Old rule: When LSI period of ineligibility begins (44-207.43, invalidated by AB 1542, 1/1/98, repealed 7/1/98)

136-4 Old rule: Overpayments related to LSI (Handbook 44-207.43, invalidated by AB 1542, 1/1/98, repealed 7/1/98)

136-5 Old rule: Conditions for shortening the period of ineligibility (44-207.44, invalidated by AB 1542, 1/1/98, and repealed 7/1/98)

136-5A Shortening of period of ineligibility (ACL 93-68, *Petrin v. Carlson*)

136-5B Old rule: Calculation of POI when need standard increases (44-207.461, invalidated by AB 1542, 1/1/98, repealed 7/1/98)

136-5C Old rule: Calculation of POI when there are medical expenses, unavailable income, or nonrecurring special needs (44-207.44, .462, invalidated by AB 1542, 1/1/98, repealed 7/1/98)

136-6 Separate AU during period of ineligibility for someone who was not in AU at the time the lump-sum income was received (44-205.71)

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136-7 Old rule: POI determination when nonmandatory person in AU receives LSI (44-207.413, invalidated by AB 1542, 1/1/98, repealed 7/1/98)

136-10 Old rule: Situations where lump-sum income has become unavailable for reasons beyond the control of the family (44-207.443, invalidated by AB 1542, 1/1/98, repealed 7/1/98)

136-11 Treatment of lump-sum retirement income (44-113.8; 42-211.257)

136-11C Transfer of property or income occurs when transfer is for less than FMV and would have affected eligibility for benefits if transfer had not occurred (42-221.1, revised 8/5/99)

136-11D Transfer of nonexempt nonrecurring income which would cause cash aid ineligibility results in POI (42-221.4, revised 8/5/99)

136-11E Definition of nonrecurring income for POI purposes (42-221.41, revised 8/5/99)

136-12 Old rule: Treatment of lump-sum income received by stepparent living in the home, but excluded from the AU (44-207.414, invalidated by AB 1542, 1/1/98, repealed 7/1/98)

136-13 Lump sum rules end 11/7/97, but retroactive benefits, back to 11/1/96, need not be issued until new ACL (ACL 97-59, 97-63, 98-18; *Paoli v. Anderson*)

136-16 Old rule: POI for transfer of assets, pre 7/1/98 (W&IC 11157.5; ACL 97-66; 42-221.1)

136-16A "Family" defined for CDSS purposes as including person living in the home as specified in W&IC 11008.14, plus treatment of certain deemed income from aliens; family defined differently for property purposes (ACL 97-59, 98-17; 42-203.8)

136-17 Statutory elimination of LSI and POIs effective 1/1/98 (ACL 97-59; W&IC 11157.5; 42-207.31)

137-1 All net income of persons included in AU is income to the AU (44-133.1)

137-2 Income must be actually available (44-101)

137-3 Income which was included in an SSI/CAPI grant computation and the SSI/CAPI grant is excluded (44-133.2, modified 7/1/98, 7/30/99)

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137-4 Old rule: No income shall be allocated to meet needs of nonfiling unit members when they have been subject to various penalties (44-133.31, repealed in part, modified, renumbered 44-133.41, 7/1/98)

137-4A Income considered available from mandatorily included persons who are sanctioned or penalized, while these persons' needs (except for those who fail to cooperate with child support), are not considered (44-133.4)

137-5 Only exceptions to current availability requirement for counting income (44-102; W&IC 11157)

137-6 Federal definition of availability of income which must be repaid (Transmittal No. ACF-AT-93-2; SSA 402(a)(7); 45 CFR 233.20(a)(13))

137-7 Availability of family members' income (W&IC 11008.14)

138-1 Exemption of \$30 per quarter of nonrecurring cash gifts received in prospective month (44-111.441, revised 7/1/98)

138-2 \$30 limitation per quarter to qualify for exemption for unanticipated income received in prospective months. (44-111.441)

138-3 State law exempts as income any child support received for the MFG child (W&IC 11450.04(e))

138-3A State regulations exempt as income any child support received by the DA for the MFG child (44-314.62)

138-4 Aid payment and income of SSI person not counted. SSI not counted as income for CalWORKs (44-133.21, modified 7/1/98)

138-6 Exemption of in-kind income for partial items of need (44-111.452)

138-7 First \$50 per month of current child or spousal support is exempt income (44-111.47)

138-8 Agency required to distribute \$50 from current support payment (82-520.2, formerly 43-203(b), 82-520.61, as revised 1/28/99)

138-9A Old rule: Deduction for actual support up to amount of court order (44-113.9; AB 1542)

138-10 SCC and CAAP child care payments are exempt (44-111.3g., h.)

138-11 Old rule: GAIN supportive service payments are exempt (44-111.3f., invalidated by AB 1542, 1/1/98, and repealed 7/1/98)

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138-12 Kin-GAP recipient is in own AU, and income and aid payment is not available to others; caretaker relative may be in separate AU (W&IC 11450(j), 11371, 11450.16(B); ACL 99-92, 99-97; 90-105.31, 82-820.22)

138-13 Deductions allowed from gross income from pensions, and similar sources, for income taxes and other expenses required in order to receive the income (44-113.32; ACL 00-13)

138-14 Certain payments made to or on behalf of MFG child for child support are exempt from consideration as income (ACL 01-16; *Kehrer v. Saenz*; 44-314.62, .621)

138-15 Child support paid to senior parent on behalf of minor parent is not minor parent income in excluded parent computation set forth in 89-201.514 which regulation was repealed 3/31/03 (ACL 01-15; *Dominika S. v. Saenz*)

138-16 Payments for child care costs under 47-420.2 are exempt income (44-111.3f.)

138-17 AmeriCorps VISTA, but not other AmeriCorps payments, are exempt income (44-111.61(f); ACIN I-70-02)

139-1 Disability based unearned income is SDI, private disability, TWC and SSDI (W&IC 11451.5(b)(2); 44-101.6)

139-1A Private disability insurance benefits include privately purchased or employer-sponsored disability insurance, but not non-insurance benefits, e.g., veterans benefits (44-111.612, revised 7/30/99)

139-2 Children's income based on parent's disability is classified as disability-based unearned income and entitles AU to \$225 disregard effective January 1, 1998 (W&IC 11451.5; ACL 98-62)

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140-1 Modified rule 7/1/98: Definition of earned income (44-101.51; W&IC 11451.5(b)(2); ACL 97-59)

140-3 Revised rule: Implementation of SDI as earned income. SDI and TWC no longer earned income, 1/1/98. (ACLs 91-14, 91-18, 91-75, 97-59; 50-020; 40-101.51; *Sallis v. McMahon*; W&IC 11451.5(b)(2))

140-4 Revised rule: TWC is earned income as of 1/1/96; retroactive benefits may be issued back to 1/1/91; SDI and TWC no longer earned income, 1/1/98 (44-101.51; *Sawyer v. Anderson*; ACL 95-61, 97-59; W&IC 11451.5(b)(2))

140-6 Definitions for purposes of 44-315, of NNI, grant amount, potential grant (44-315.1, revised 7/30/99)

140-7 Net income is gross income minus exemptions and disregards; gross income includes earnings by part-time student applicants and current child support payments for non-MFG children (44-207.21)

141-1 Determining income from self-employment (generally) (44-113.212; W&IC 11155.3(c))

141-2 Old rule: Expenses not to be deducted in determining income from self-employment (44-113.212(a); W&IC 11155.3(c))

141-3 Old rule: Expenses allowable as deductions for self-employed persons (44-113.212(b); W&IC 11155.3(c))

141-4 Applicants and recipients can choose either a 40% deduction from self-employment, or deductions allowed in the FS program (W&IC 11155.3(c); 44-113.212(a))

141-5 Change between self-employment deduction methods allowed at the earlier of six-month period, or redetermination (44-113.212(b))

142-2 Old rule: No \$30 and 1/3 deduction if recipient refused or terminated employment, or reduced earned income (44-113.218; AB 1542)

142-3 Old rule: No \$30 and 1/3 reduction if APDP recipient refused or terminated employment, or reduced earned income (44-111.232(e), repealed 7/1/98)

142-5 Old rule for control groups: Current earned income exemptions and deductions (44-111.2, 44-113.2, 89-101, 89-105; AB 1542)

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142-6 Old rule: Determination of net nonexempt earned income (44-113.21; AB 1542; ACL 97-59)

142-7 Old rule: Dependent care disregard (44-113.217, repealed, per AB 1542)

142-9 Old rule: Implementation of SDI as earned income (ACLs 91-14, 91-18, 91-75, 50-020; Sallis v. McMahon; W&IC 11451.5(b)(2); ACL 97-59)

143-4 Renters credits; senior citizens, homeowners, and renters property tax assistance; exempt as income (44-111.3k., l.)

144-1 Old rule: LSI definition (44-207.411; AB 1542; 44-207.31)

144-1A Old rule: LSI includes income of sanctioned individual (44-207.412, invalidated by AB 1542, 1/1/98 and repealed 7/1/98)

144-1B Old rule: Persons excluded by law, and stepparents who are not essential persons, applicants, or recipients are exempt from lump-sum computations when they receive income (44-207.413, invalidated by AB 1542, 1/1/98, and repealed 7/1/98)

144-2 Old rule: Lump-sum income computation formula; *Rutan* notice required (Handbook 44-207.42, .43, invalidated by AB 1542, 1/1/98 and repealed 7/1/98; *Rutan v. McMahon* (Consent Decree))

144-2A *Rutan* notice requirements (ACIN I-22-94; *Rutan v. McMahon*)

144-2B Oral advice not required in ESP counties which give *Rutan* notice, but county must send two notices during course of year (*Rutan v. McMahon*, Modification of Consent Order, 5/9/96)

144-3 Old rule: When LSI period of ineligibility begins (44-207.43, invalidated by AB 1542, 1/1/98, repealed 7/1/98)

144-4 Old rule: Overpayments related to LSI (Handbook 44-207.43, invalidated by AB 1542, 1/1/98, repealed 7/1/98)

144-5 Old rule: Conditions for shortening the period of ineligibility (44-207.44, invalidated by AB 1542, 1/1/98, and repealed 7/1/98)

144-5A Shortening of period of ineligibility (ACL 93-68, *Petrin v. Carlson*)

144-5B Old rule: Calculation of POI when need standard increases (44-207.461, invalidated by AB 1542, 1/1/98, repealed 7/1/98)

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144-5C Old rule: Calculation of POI when there are medical expenses, unavailable income, or nonrecurring special needs (44-207.44, .462, invalidated by AB 1542, 1/1/98, repealed 7/1/98)

144-6 Separate AU during period of ineligibility for someone who was not in AU at the time the lump-sum income was received (44-205.71)

144-7 Old rule: POI determination when nonmandatory person in AU receives LSI (44-207.413, invalidated by AB 1542, 1/1/98, repealed 7/1/98)

144-10 Old rule: Situations where lump-sum income has become unavailable for reasons beyond the control of the family (44-207.443, invalidated by AB 1542, 1/1/98, repealed 7/1/98)

144-11 Old rule: Treatment of lump-sum income received by stepparent living in the home, but excluded from the AU (44-207.414, invalidated by AB 1542, 1/1/98, repealed 7/1/98)

144-12 Lump sum rules end 11/7/97, but retroactive benefits, back to 11/1/96, need not be issued until new ACL (ACL 97-59, 97-63, 98-18; Paoli v. Anderson)

144-14 Statutory elimination of LSI and POIs effective 1/1/98 (ACL 97-59; W&IC 11157.5; 42-207.31)

144-15 Old rule: POI for transfer of assets, pre 7/1/98 (W&IC 11157.5; ACL 97-66; 42-221.1)

144-15A "Family" defined for CDSS purposes as including person living in the home as specified in W&IC 11008.14, plus treatment of certain deemed income from aliens; family defined differently for property purposes (ACL 97-59, 98-17; 42-203.8)

144-15C Transfer of property or income occurs when transfer is for less than FMV and would have affected eligibility for benefits if transfer had not occurred (42-221.1, revised 8/5/99)

144-15D Transfer of nonexempt nonrecurring income which would cause cash aid ineligibility results in POI (42-221.4, revised 8/5/99)

144-15E Definition of nonrecurring income for POI purposes (42-221.41, revised 8/5/99)

145-1 All net income of persons included in AU is income to the AU (44-133.1)

145-2 Income must be actually available (44-101)

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145-3 Only exceptions to current availability requirement for counting income (44-102; W&IC 11157)

145-4 Federal definition of availability of income which must be repaid (Transmittal No. ACF-AT-93-2; SSA 402(a)(7); 45 CFR 233.20(a)(13))

145-5 Availability of family members' income (W&IC 11008.14)

146-1 Earned income of student under 19 is exempt (44-111.221)

146-1A Student earnings exemption applies during vacations or between terms if student intends to return to school (44-111.223)

146-2 Earned income of child exempted when participating in JTPA (44-111.211)

146-4 All college work-study program earnings are exempt as income or property (ACL 98-85; 44-111.25)

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150-1 Definition of overpayment (44-350.15)

150-1A Immediate need overpayments occur when applicant does not complete eligibility process (ACL 94-01)

150-2 Limitation on the amount of aid pending overpayment when the recipient has reestablished eligibility (ACL 85-35)

150-3 Technical overpayments (44-350.151)

150-4 RISP correctly computed based on reasonable estimate does not result in overpayment (44-350.17)

150-5 Definition of administrative error overpayment (44-350.2(b))

150-6 Old rule: Overpayments occur in month 185% income is received, and following month, in continuing excess income situations (44-207.21, .221(b))

150-8 Determination of overpayment when mandatory AU member is discovered in the home (44-355.11-.15)

150-11 If child eligible for aid on first of month, child is eligible for entire month (W&IC 11455)

150-12 No overpayment nor underpayment when RISP correctly computed based on reasonable estimate of income (44-402.6)

151-1 Old rule: Determination of overpayment, generally, nonexcess property cases (44-352.12, pre-4/9/03)

151-1A Calculation determination of overpayment, generally, nonexcess property cases (44-352.12)

151-2 Earned income disregards shall not be allowed in overpayment computation if overpayment was due to recipient's failure to make a timely report of those earnings without good cause and occurred prior to 1/1/98. (44-352.121(b); 44-350.121, revised 7/1/98; ACL 97-67; AB 1542)

151-2A Overpayment computation after 1/1/98 allows earnings disregards even if earnings were reported late, or not at all (ACL 97-67; 44-350.121, revised 7/1/98)

151-3 Receipt of aid pending, causing overpayment, is not offset by RISP recipient could have received (Daniels v. McMahon)

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152-1 Old Rule: Determination of excess property overpayment (44-352.11 revised 4/9/03))

152-2 Calculation of excess property overpayment (44-352.11)

153-1 Old rule: Pre-1998 adjustment rule (44-352.41, revised 7/1/98; ACL 97-66; AB 1542; W&IC 11004(c))

153-2 Limits on overpayment adjustments (W&IC 11004(c); ACL 97-66; 44-352.41, revised 7/1/98)

154-1A Federal policy on persons from whom overpayments can be recovered (ACF-AT-94-20, 94-11; 45 CFR 233.20(a)(13)(i); SSA 402(a)(22), (a)(33))

154-1B Nonrecipient of AFDC is not responsible for repaying overpayment (ACF-AT-94-20)

154-1C Priority order to recover overpayments (44-352.31, .33)

154-1D "Unlocatable" and "cost effectiveness" defined for priority of overpayment recoupment (44-350.2(l), 44-350.161(b))

154-1E Counties must develop procedures to locate former overpayment recipients, using appropriate data sources (ACL 95-55; 45 CFR 233.20(a)(13)(iv))

154-1F Methods for collecting from former AFDC caretaker relatives with outstanding overpayments (ACL 96-36)

154-2 County duty to take all reasonable steps necessary to promptly collect all overpayments (44-350.16)

154-3 Caretaker relative not in AU is not responsible person for overpayment collection purposes (44-352.32; ACL 95-55)

155-1 No pursuit of nonfraudulent overpayments of less than \$35 when person no longer on aid (44-350.161)

155-2 Current demand for repayment rule (44-352.43)

155-3 County is not to take ongoing collection action on nonfraudulent overpayments more than \$35 unless cost effective to collect (44-350.161)

155-4 The county is not precluded from arriving at a reasonable settlement of its demand for repayment with the recipient or former recipient (44-352.45)

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155-5 Balancing rule (44-351.3)

155-5A Offset regulation remains in effect despite cessation of AFDC (ACIN I-56-98; 44-351.3; *Lopez v. Anderson*)

155-5B Revised state law permits balancing of overpayments against underpayments (W&IC 11004(k), revised 1/1/99)

155-6 Overpaid recipient need not use Social Security or SSI benefits to repay overpayment (Handbook 44-352.441(c); *Louis v. McMahon*)

155-7 Statute of limitations, general; not applicable to state hearings (CCP 338, *Bold v. Bd. of Medical Examiners*; *Saxton v. State Bd. of Education*)

155-8 AFDC overpayment discharged in Chapter 13 bankruptcy (*Penn. Department of Public Welfare v. Davenport*)

156-1 Limitations on county use of tax-intercept system to collect overpayments (ACIN I-53-89)

156-2 Refunds of tax intercepts (ACIN I-53-89; ACL 90-14; *Anderson v. McMahon*)

156-3 Tax intercepts, when appropriate (20-403.1, .2)

156-4 Tax intercepts, refunds to claimants (20-408.1)

156-5 Tax intercept instructions for Tax Years 1993-2000 (ACIN I-22-00, I-19-98, I-12-97, I-11-95, I-06-94, I-13-93)

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160-1 Underpayment rule (44-340)

160-2 Underpayment due to erroneous denial is to be corrected even though applicant failed to perform an act constituting a condition of eligibility (44-340.131)

160-3 Underpayments when mandatory AU member discovered in the home (44-315.411-.414, 44-355.16)

160-4 Underpayments excluded as income or resource in month paid and following month (44-340.6)

160-5 Restoration of excluded individual after meeting immunization or school attendance requirements (ACL 97-70)

161-2 No underpayment when RISP correctly computed based on reasonable estimate of income (44-340.14)

162-1 When AU does not have to request exempt status, AU can be exempt when qualifying conditions are met (89-110.26, .27; 44-340.31; ACL 96-28)

163-1 RISP correctly computed based on reasonable estimate does not result in overpayment (44-350.17)

163-2 No underpayment when RISP correctly computed based on reasonable estimate of income (44-340.14)

163-3 Old rule: RISPs, general (44-401, 44-402, revised 7/1/98)

163-3A General rule as to when RISP can be issued, amount of RISP (44-401.1, .2, 44-402.1)

163-3B Net available income, for budget and payment month, defined (44-402.2)

163-4 Old rule: Disregard payment amounts which are disallowed shall be used in computing the grant for the RISP month (44-402.211, .212; AB 1542)

163-5 Special needs are not to be considered as part of the grant amount for the payment month in determining the net available income for RISP purposes (44-402.211, formerly 44-402.213)

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163-6 No overpayment nor underpayment when RISP correctly computed based on reasonable estimate of income (44-402.6)

163-7 Circumstances where county is required to mail the RISP Request Form (CA 40) (40-181.1(b))

163-7A County is required to explain RISP procedure at annual redetermination (40-181.212)

163-8 Grant amount for RISP net available income purposes does not include grant adjustment (or child support penalty (44-402.212; formerly 44-402.214, 44-402.213)

163-9 RISP payment can be made, even if less than \$10 (44-402.3, revised 7/1/98)

164-1 ALJs have no authority to award interest (AFL-CIO v. UIAB; ACIN I-52-96; *Knight v. McMahon*)

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172-1 Nonrecurring special need for repair and replacement of household items because of unusual circumstances (44-211.3)

173-1 Beginning date of pregnancy special need entitlement for CalWORKs applicants and recipients (44-211.63, .641)

173-1A Pregnancy need to be paid to eligible pregnant women effective the month of verification of pregnancy (ACL 00-45; W&IC 11450(c); 44-211.641)

173-1B Pregnant teen, under 19, without high school diploma, may receive pregnancy special need payment (44-211.632)

173-1C Pregnant teen loses AFDC and pregnancy special need payment if she turns 19, receives high school diploma, and is not in third trimester of pregnancy but becomes eligible again in third trimester (ACL 96-45; 44-209.23, 44-211.632; ACIN I-09-97)

173-2 Amount of pregnancy special need (Handbook 44-211.65)

174-1 HA--General eligibility (44-211.51)

174-1A HA payments limited to providers who are businesses, commercial establishments, public housing facilities (44-211.526)

174-1B Once-in-a-lifetime HA benefits; exceptions (ACL 95-62, 99-69; 44-211.513, 44-211.541; AB 1111; W&IC 11450(f)(2)(E)(iii))

174-1C Counties must notify AFDC recipients and HA applicants of once-in-a-lifetime HA rules (ACL 95-62; 44-211.51)

174-1D AU receives its OLT HA payment when first permanent housing payment is issued, even if that payment meets an exception to the OLT limit (ACL 96-40)

174-2 HA--Direct payments to providers (44-211.516, .517)

174-2A Direct HA payments due to mismanagement (44-211.519)

174-3 Temporary shelter--eligibility (44-211.521)

174-4 Temporary shelter--maximum time limits and payment (44-211.524; ACL 99-69; W&IC 11450(f)(2))

174-5 Permanent housing payment--fiscal limitations (44-211.53)

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- 174-6 When AU is considered homeless (44-211.511, .512; Merriman v. McMahon)
- 174-7A No temporary shelter payment after permanent housing within 24 months except while awaiting approved permanent housing (44-211.522)
- 174-8 RCA applicants/recipients ineligible for CalWORKs (formerly AFDC) HA (44-211.312(a))
- 174-9 County of responsibility in HA cases (44-211.515)
- 174-10 In HA, use MAP in county where applicant resides (44-211.515(a))
- 174-11 AU in suspense month may still receive HA (ACL 97-09; 44-315.8)
- 174-12 Calculation of AU eligibility and amount of security deposit payment (ACL 01-43)
- 175-1 Applicants must be informed of diversion before aid is approved (W&IC 11265(a); 82-215.2)
- 175-2 Applicants must be apparently eligible to receive diversion, but may decline diversion (W&IC 11266.5(b), (d); ACL 97-68; 81-215.31, .33))
- 175-3 Factors to be used in determining whether to offer diversion (W&IC 11266.5(b); 81-215.32))
- 175-4 Recoupment if diversion recipient reapplies during diversion period (W&IC 11266.5(f); ACL 97-68; 81-215.51))
- 175-5 One month counts towards 60-month maximum aid limit if reapplication occurs after diversion period has run (W&IC 11266.5(f); ACL 97-68; 81-215.52))
- 175-6 Calculation of diversion period (ACL 97-68; 81-215.4)

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180-1 Under Interstate Compact, the sending agency continues to have financial responsibility (Family Code 7901)

180-2 If sending agency defaults in its responsibility under the Interstate Compact, the provisions of other state law may be invoked (Family Code 7902)

180-3 FC requirements for 18-year-olds (45-201.111)

180-4 FC children must meet age, property, residency, citizenship/alienage, social security number, income, child support, and application requirements for AFDC children (45-201.1-.5)

180-4A \$10,000 property limit effective 12/14/99 for ongoing eligibility and purposes of determining whether child would have been eligible for AFDC in the petition month (42 USC 672(a); ACL 02-45)

180-4B Federal law permits \$10,000 property limit, plus other excluded AFDC property as determined effective 7/16/96, for all FC children, effective 12/14/99 (42 USC 672(a))

180-4C \$10,000 property limit, plus \$1,500 for a car, for FC eligibility (W&IC 11155.5(a); see 45-201.12)

180-5 FC caretaker relative may receive AFDC-FG benefits (ACL 94-91)

180-6 All applicants and recipients of CalWORKs and FC must assign child and spousal support for themselves and for required AU members as a condition of eligibility (82-506.1, 82-820.3)

180-6A Applicants and recipients of CalWORKs and FC must assign child and spousal support for themselves and (unlike 82-506.1) for family members for whom aid is requested or received, and receipt of aid assigns support by operation of law (Handbook 12-410)

181-1 Court order necessary for eligibility under federal AFDC-FC Program, prior to 1/1/93 (45-202.4)

181-1A Voluntary placement can result in 180 days of aid in federal AFDC-FC cases (45-202.412)

181-2A New linkage requirement for AFDC-FC (45-202.31)

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181-2B 45-202.311-.313 invalidated, then reinstated until FFP is authorized (Land v. Anderson; Anderson v. Sup. Ct; W&IC 11402.1)

181-3 Child must be placed with nonrelative or different relative than one from whom removed for federal AFDC-FC eligibility to exist. Six-month rule (45-202.411(b))

181-3A Federal regulations on when child's removal from the home occurs, and when a second placement of the child in the relative's home precludes federal AFDC-FC (45 CFR 1356.21(c), (k))

181-4 Federal FC eligibility rules; when dismissal of order results in loss of FFP (45-202.411)

181-5 FFP defined (45-101.1(o))

181-6 FC eligibility determined using 7/16/96 AFDC standards, exclusive of waivers (ACL 98-01)

182-1 Child must be placed with nonrelative for eligibility under state AFDC-FC Program (45-203.2; ACL 92-08; *Timmons v. McMahon*)

182-1A State FC child can't be living in the same home as birth or adoptive parents (45-203.211)

182-2 Former stepparents not relatives in state AFDC-FC Program until 9/1/99 (*Norman v. McMahon*; Handbook 45-101(r)(1)(A)3.(a); ACL 99-58; W&IC 11400(m))

182-3 FC eligibility determined using 7/16/96 AFDC standards, exclusive of waivers (ACL 98-01)

183-1 Beginning date of aid (transfer from AFDC-FG to AFDC-FC) (44-317.622)

183-2 Beginning date of aid; AFDC-FC (45-302.31)

183-3 Last day of payment for AFDC-FC (45-302.51)

183-4 AFDC-FC, current budgeting used (45-302.4)

183-5 Supplementation of SSI/SSP with state AFDC-FC (45-302.11; ACL 94-82)

183-6A SSI/SSP payments can be made to federal FC children as of February 4, 1994, and are not income to those children (ACL 94-82)

183-7 "Excess payments" from child/spousal support are income in CalWORKs, and "pass-on payments" are income in FC (82-520.5, revised 10/1/98, replaced by 82-518.14, 4/1/00)

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184-1 Definitions of specialized care, specialized care increments, and specialized care rates (ACIN I-113-00)

184-2 Counties must submit a specialized care program proposal to CDSS for approval (ACIN I-113-00)

185-1 Collection of AFDC-FC overpayments (ACIN I-20-90)

185-1A Writ of mandate enjoining recoupment of AFDC-FC overpayments (*Bass v. Anderson*)

185-1B Old rule: CDSS policy on collecting FC overpayments, and definition of fraud for purposes of collecting these overpayments (ACL 97-55; *Bass v. Anderson*; W&IC 11466.24)

185-2 Overpayment determination and collection under state statute (W&IC 11004)

185-3 State law provides that FC overpayments are limited to those made to foster family homes, approved homes of relatives, or approved homes of nonrelated legal guardians when FC child was not cared for in the home; limitations on collecting the overpayment (W&IC 11466.24)

185-3A Under state regulations, APP FC overpayments are collectible (45-304.122)

185-3B No collection of PA funds unless there is statutory authority for such collection (*Ogdon v. Workmen's Comp. Appeals Bd.*; *Webb v. Swoap*)

185-3C State law limits collection of FC overpayments; state regulations limit only "demand" of collection (W&IC 11466.24(a); 45-304.121)

185-3D State law requires documentation of costs of collecting overpayment and likelihood of collection, while state regulations do not (W&IC 11466.24(a)(1); 45-304.121(e)(1))

185-4 State regulations limit collection of FC overpayments; process of establishing amount and collectability of overpayment (45-304.2)

185-4A State law prohibits overpayment recovery from FC provider when child cared for in home, while state regulations do not (W&IC 11466.24(a); 45-304.2)

185-5 FC overpayments collected only from the provider; if child for whom overpayment assessed is not in the home, no grant offset or adjustment is permitted (45-304.3)

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185-6 State law sets forth one year statute of limitations from county determination of FC overpayment (W&IC 11466.24(f))

185-6A DSS policy is to allow collection of FC overpayments even if initial determination of overpayment is more than one year after overpayment (Handbook 45-304.421; W&IC 11466.24(f))

185-7 Methods of collecting FC overpayments (44-305.1, .2; W&IC 11466.24(e))

185-8 State law requires repayment of wrongly collected FC overpayments, plus simple interest (W&IC 11466.24(d))

186-1 AFDC-FC rates for children in licensed or approved family homes based on statutory provisions (W&IC 11461)

186-2 Responsible county pays host county rate except when responsible county has specialized care rate and host county does not (11-401.4)

186-3 County where placing agency for FC child is located in county of responsibility (40-125.81)

186-4 When court in county 2 accepts responsibility for FC child, county 1 initiates ICT to county 2 (40-125.84)

186-5 In FC intercounty transfer, first county remains responsible for payment of aid (40-190.32, formerly 40-187.221)

186-6 Definitions of "basic rate", "specialized care increment", and "specialized care rate"; requirement to identify these for family homes (11-400b.(3), 11-400s.(6)-(7), 11-401.211)

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196-3 Statutory elimination of LSI and POIs effective 1/1/98 (ACL 97-59; W&IC 11157.5; 42-207.31)